

Title 12

VEHICLES AND TRAFFIC

Chapters:

- 12.04 Definitions**
- 12.08 General Regulations, Administration and Enforcement**
- 12.12 Traffic-Control Devices**
- 12.16 Rules of the Road**
- 12.20 Speed Restrictions**
- 12.24 Through Streets and Stop Intersections**
- 12.28 One-Way Street and Alleys**
- 12.32 Equipment**
- 12.36 Size, Weight and Load Restrictions**
- 12.40 Parking**
- 12.41 Valet Services**
- 12.42 Permit Parking Programs**
- 12.44 Parking Meter Zones**
- 12.48 Loading and Unloading**
- 12.52 Pedestrians**
- 12.54 Horse-Drawn Carriages**
- 12.56 Parades**
- 12.58 Scooters, Roller Skates and In-Line Skates**
- 12.60 Bicycles**
- 12.64 Motorcycles**
- 12.68 Miscellaneous Driving Rules**
- 12.69 Cruising on Public Streets**
- 12.72 Tow-In Lots**
- 12.76 Railroads and Grade Crossings**
- 12.80 Ferries**
- 12.84 Violations—Fine Schedules**

Chapter 12.04

DEFINITIONS

Sections:

12.04.005	Definitions and interpretation of language.	12.04.225	Parking lot.
12.04.010	Alley.	12.04.230	Parking meter.
12.04.015	Arterial street.	12.04.235	Parking meter space.
12.04.020	Authorized emergency vehicle.	12.04.240	Passenger car.
12.04.025	Bicycle.	12.04.245	Passenger curb loading zone.
12.04.030	Bus.	12.04.250	Pedestrian.
12.04.035	Business district.	12.04.255	Person.
12.04.040	Cancellation of driver's license.	12.04.260	Pneumatic tire.
12.04.045	Controlled-access highway.	12.04.265	Pole trailer.
12.04.050	Crosswalk.	12.04.270	Police officer.
12.04.055	Curb.	12.04.275	Private road or driveway.
12.04.060	Dealer.	12.04.280	Railroad sign or signal.
12.04.065	Divided highway.	12.04.285	Railroad train.
12.04.070	Driveaway-towaway operation.	12.04.290	Reconstructed vehicle.
12.04.075	Driver.	12.04.295	Registration.
12.04.080	Driver's license.	12.04.300	Residence district.
12.04.085	Essential parts.	12.04.305	Revocation of driver's license.
12.04.090	Established place of business.	12.04.310	Right-of-way.
12.04.095	Explosives.	12.04.315	Roadway.
12.04.100	Farm tractor.	12.04.317	Roller skates.
12.04.105	Flammable liquid.	12.04.320	Safety zone.
12.04.110	Freight curb loading zone.	12.04.325	School bus.
12.04.115	Gross weight.	12.04.330	Semi-trailer.
12.04.120	Highway.	12.04.335	Sidewalk.
12.04.125	House trailer.	12.04.340	Solid rubber tire.
12.04.130	Identifying number.	12.04.345	Specially constructed vehicle.
12.04.135	Implement of husbandry.	12.04.350	Special mobile equipment.
12.04.137	In-line skates.	12.04.355	Stand or standing.
12.04.140	Intersection.	12.04.360	State.
12.04.145	Laned roadway.	12.04.365	Stop.
12.04.150	License or license to operate a motor vehicle.	12.04.370	Stop or stopping.
12.04.155	Lienholder.	12.04.375	Street.
12.04.160	Mail.	12.04.380	Suspension of driver's license.
12.04.165	Manufacturer.	12.04.385	Through highway.
12.04.170	Metal tire.	12.04.390	Trackless trolley coach.
12.04.175	Motorcycle.	12.04.395	Tractor.
12.04.180	Motor-driven cycle.	12.04.400	Traffic.
12.04.185	Motor home.	12.04.405	Traffic-control signal.
12.04.190	Motor vehicle.	12.04.410	Trailer.
12.04.195	Nonresident.	12.04.415	Truck.
12.04.200	Nonresident's operating privilege.	12.04.420	Truck-camper.
12.04.205	Official time standard.	12.04.425	Truck tractor.
12.04.210	Official traffic-control devices.	12.04.430	Urban district.
12.04.215	Owner.	12.04.435	Vehicle.
12.04.220	Park or parking.		

12.04.005 Definitions and interpretation of language.

The following words and phrases, when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them in this chapter, except when the context otherwise requires. (Prior code § 27-1-1 (part))

12.04.010 Alley.

“Alley” means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic. (Prior code § 27-1-1 (part))

12.04.015 Arterial street.

“Arterial street” means any United States or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by metropolitan government within their respective jurisdictions as part of a major arterial system of streets or highways. (Prior code § 27-1-1 (part))

12.04.020 Authorized emergency vehicle.

“Authorized emergency vehicle” means such fire department vehicles, police vehicles and ambulances as are publicly owned, and such other publicly or privately owned vehicles as are designated by the chief of police and/or traffic and parking commission. (Prior code § 27-1-1 (part))

12.04.025 Bicycle.

“Bicycle” means any vehicle upon which a person may ride which is propelled exclusively or in part by human power using pedals and having two or more wheels. (Ord. 99-1815 § 13, 1999)

12.04.030 Bus.

“Bus” means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. (Prior code § 27-1-1 (part))

12.04.035 Business district.

“Business district” means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred feet frontage on one side or three hundred feet collectively on both sides of the highway. (Prior code § 27-1-1 (part))

12.04.040 Cancellation of driver’s license.

“Cancellation of driver’s license” means the annulment or termination by formal action of the Tennessee Department of Motor Vehicles of a person’s driver’s license because of some error or defect in the license or because the licensee is not longer entitled to such license, but the cancellation of a license is without prejudice, and application

for a new license may be made at any time after such cancellation. (Prior code § 27-1-1 (part))

12.04.045 Controlled-access highway.

“Controlled-access highway” means every highway, street or roadway in respect to which owners or occupants of abutting lands, and other persons, have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway. (Prior code § 27-1-1 (part))

12.04.050 Crosswalk.

“Crosswalk” means:

A. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;

B. Any portion of a roadway, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface. (Prior code § 27-1-1 (part))

12.04.055 Curb.

“Curb” means the lateral boundary of that portion of the street designated for the use of vehicles, whether marked with a curbstone or not. (Prior code § 27-1-1 (part))

12.04.060 Dealer.

“Dealer” means every person in the business of buying, selling or exchanging vehicles. (Prior code § 27-1-1 (part))

12.04.065 Divided highway.

“Divided highway” means a highway divided into two or more roadways by leaving an intervening space or by a physical barrier, or by a clearly indicated dividing section so constructed as to impede vehicular traffic. (Prior code § 27-1-1 (part))

12.04.070 Driveaway-towaway operation.

“Driveaway-towaway operation” means any operation in which any motor vehicle, trailer or semi-trailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power. (Prior code § 27-1-1 (part))

12.04.075 Driver.

“Driver” means every person who drives or is in actual physical control of a vehicle. (Prior code § 27-1-1 (part))

12.04.080 Driver's license.

"Driver's license" means any license to operate a motor vehicle, issued under the laws of the state of Tennessee. (Prior code § 27-1-1 (part))

12.04.085 Essential parts.

"Essential parts" means all integral and body parts of vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation. (Prior code § 27-1-1 (part))

12.04.090 Established place of business.

"Established place of business" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted. (Prior code § 27-1-1 (part))

12.04.095 Explosives.

"Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. (Prior code § 27-1-1 (part))

12.04.100 Farm tractor.

"Farm tractor" means every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry. (Prior code § 27-1-1 (part))

12.04.105 Flammable liquid.

"Flammable liquid" means any liquid which has a flash point of seventy degrees Fahrenheit, or less as determined by a tagliabue or equivalent closed-cup test device. (Prior code § 27-1-1 (part))

12.04.110 Freight curb loading zone.

"Freight curb loading zone" means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight. (Prior code § 27-1-1 (part))

12.04.115 Gross weight.

"Gross weight" means the weight of a vehicle without load, plus the weight of any load thereon. (Prior code § 27-1-1 (part))

12.04.120 Highway.

"Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (Prior code § 27-1-1 (part))

12.04.125 House trailer.

"House trailer" means:

A. A trailer or semi-trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

B. A trailer or a semi-trailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subsection A of this section, but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose, except for the transportation of property for hire or the transportation of property for distribution by a private carrier. (Prior code § 27-1-1 (part))

12.04.130 Identifying number.

"Identifying number" means the numbers, and letters, if any, on a vehicle designated by the state of Tennessee for the purpose of identifying the vehicle. (Prior code § 27-1-1 (part))

12.04.135 Implement of husbandry.

"Implement of husbandry" means every vehicle designed or adapted and used exclusively for agricultural operations and only incidentally operated or moved upon the highways. (Prior code § 27-1-1 (part))

12.04.137 In-line skates.

"In-line skates" means manufactured or assembled devices consisting of a boot or upper portion attached to the foot, a frame holding two or more wheels aligned longitudinally. (Ord. 98-1352 § 3 (part), 1998)

12.04.140 Intersection.

"Intersection" means:

A. The area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or

the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

B. Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

C. The junction of an alley with a street or highway shall not constitute an intersection. (Prior code § 27-1-1 (part))

12.04.145 Laned roadway.

“Laned roadway” means a roadway which is divided into two or more clearly marked lanes for vehicular traffic. (Prior code § 27-1-1 (part))

12.04.150 License or license to operate a motor vehicle.

“License or license to operate a motor vehicle” means any driver’s license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state including:

- A. Any temporary license or instruction permit;
- B. The privilege of any person to drive a motor vehicle whether or not such person holds a valid license;
- C. Any nonresident’s operating privilege as defined herein. (Prior code § 27-1-1 (part))

12.04.155 Lienholder.

“Lienholder” means a person holding a security interest in a vehicle. (Prior code § 27-1-1 (part))

12.04.160 Mail.

“Mail” means to deposit in the United States mail properly addressed and with postage prepaid. (Prior code § 27-1-1 (part))

12.04.165 Manufacturer.

“Manufacturer” means every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at an established place of business in this state. (Prior code § 27-1-1 (part))

12.04.170 Metal tire.

“Metal tire” means every tire, the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material. (Prior code § 27-1-1 (part))

12.04.175 Motorcycle.

“Motorcycle” means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor. (Prior code § 27-1-1 (part))

12.04.180 Motor-driven cycle.

“Motor-driven cycle” means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, and every bicycle with motor attached. (Prior code § 27-1-1 (part))

12.04.185 Motor home.

“Motor home” means every motor vehicle designed, used or maintained primarily as a mobile dwelling, office or commercial space. (Prior code § 27-1-1 (part))

12.04.190 Motor vehicle.

“Motor vehicle” means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. (Prior code § 27-1-1 (part))

12.04.195 Nonresident.

“Nonresident” means every person who is not a resident of this state. (Prior code § 27-1-1 (part))

12.04.200 Nonresident’s operating privilege.

“Nonresident’s operating privilege” means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state. (Prior code § 27-1-1 (part))

12.04.205 Official time standard.

Whenever certain hours are named in this title, they shall mean standard time or daylight saving time, as may be in current use in metropolitan Nashville, Davidson County, Tennessee. (Prior code § 27-1-1 (part))

12.04.210 Official traffic-control devices.

“Official traffic-control devices” means all signs, signals, markings and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. (Prior code § 27-1-1 (part))

12.04.215 Owner.

“Owner” means a person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a

lessee under a lease not intended as security. (Prior code § 27-1-1 (part))

12.04.220 Park or parking.

“Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers. (Prior code § 27-1-1 (part))

12.04.225 Parking lot.

“Parking lot” means any lot or area which is used for the parking of vehicles for which a fee may or may not be charged and which is private or open to the use of the general public. (Prior code § 27-1-1 (part))

12.04.230 Parking meter.

“Parking meter” means any device by which the time which a vehicle may be parked at any point on the streets of the metropolitan government is measured and a charge made therefor. (Prior code § 27-1-1 (part))

12.04.235 Parking meter space.

“Parking meter space” means any space adjacent to a parking meter and which is duly designated for the parking of a single vehicle. (Prior code § 27-1-1 (part))

12.04.240 Passenger car.

“Passenger car” means every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten passengers or less and used for the transportation of persons. (Prior code § 27-1-1 (part))

12.04.245 Passenger curb loading zone.

“Passenger curb loading zone” means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers. (Prior code § 27-1-1 (part))

12.04.250 Pedestrian.

“Pedestrian” means any person afoot. (Prior code § 27-1-1 (part))

12.04.255 Person.

“Person” means every natural person, firm, copartnership, association or corporation. (Prior code § 27-1-1 (part))

12.04.260 Pneumatic tire.

“Pneumatic tire” means every tire in which compressed air is designed to support the load. (Prior code § 27-1-1 (part))

12.04.265 Pole trailer.

“Pole trailer” means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular-shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections. (Prior code § 27-1-1 (part))

12.04.270 Police officer.

“Police officer” means every officer of the metropolitan police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. (Prior code § 27-1-1 (part))

12.04.275 Private road or driveway.

“Private road or driveway” means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons. (Prior code § 27-1-1 (part))

12.04.280 Railroad sign or signal.

“Railroad sign or signal” means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (Prior code § 27-1-1 (part))

12.04.285 Railroad train.

“Railroad train” means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails. (Prior code § 27-1-1 (part))

12.04.290 Reconstructed vehicle.

“Reconstructed vehicle” means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition or substitution of essential parts, new or used. (Prior code § 27-1-1 (part))

12.04.295 Registration.

“Registration” means the registration certificate or certificates and registration plates issued under the laws of the state pertaining to the registration of vehicles. (Prior code § 27-1-1 (part))

12.04.300 Residence district.

“Residence district” means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business. (Prior code § 27-1-1 (part))

12.04.305 Revocation of driver’s license.

“Revocation of driver’s license” means the termination by formal action of a person’s license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the state after the expiration of the applicable period of time prescribed by the state. (Prior code § 27-1-1 (part))

12.04.310 Right-of-way.

“Right-of-way” means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. (Prior code § 27-1-1 (part))

12.04.315 Roadway.

“Roadway” means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term “roadway,” as used in this title, shall refer to any such roadway separately but not to all such roadways collectively. (Prior code § 27-1-1 (part))

12.04.317 Roller skates.

“Roller skates” means manufactured or assembled devices consisting of a boot or upper portion attached to the foot and a frame holding two wheels near the toe and two wheels at the heel and braking device at the toe of at least one skate. (Ord. 98-1352 § 3 (part), 1998)

12.04.320 Safety zone.

“Safety zone” means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. (Prior code § 27-1-1 (part))

12.04.325 School bus.

“School bus” means every motor vehicle that complies with the color and identification requirements set forth in

the most recent edition of Minimum Standards for School Buses, and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children. (Prior code § 27-1-1 (part))

12.04.330 Semi-trailer.

“Semi-trailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. (Prior code § 27-1-1 (part))

12.04.335 Sidewalk.

“Sidewalk” means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians. (Prior code § 27-1-1 (part))

12.04.340 Solid rubber tire.

“Solid rubber tire” means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load. (Prior code § 27-1-1 (part))

12.04.345 Specially constructed vehicle.

“Specially constructed vehicle” means every vehicle of a type required to be registered under this title not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction. (Prior code § 27-1-1 (part))

12.04.350 Special mobile equipment.

“Special mobile equipment” means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carryalls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached. (Prior code § 27-1-1 (part))

12.04.355 Stand or standing.

“Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving and/or discharging passengers. (Prior code § 27-1-1 (part))

12.04.360 State.

“State” means the state of Tennessee. (Prior code § 27-1-1 (part))

12.04.365 Stop.

“Stop,” when required, means complete cessation from movement. (Prior code § 27-1-1 (part))

12.04.370 Stop or stopping.

“Stop” or “stopping,” when prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal. (Prior code § 27-1-1 (part))

12.04.375 Street.

“Street” means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel. (Prior code § 27-1-1 (part))

12.04.380 Suspension of driver’s license.

“Suspension of driver’s license” means the temporary withdrawal by formal action of a person’s license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated. (Prior code § 27-1-1 (part))

12.04.385 Through highway.

“Through highway” means every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic-control device, when such signs or devices are erected as provided by resolution of traffic and parking commission. (Prior code § 27-1-1 (part))

12.04.390 Trackless trolley coach.

“Trackless trolley coach” means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails. (Prior code § 27-1-1 (part))

12.04.395 Tractor.

“Tractor” means any self-propelled vehicle designed or used as a traveling power plant or for drawing other vehicles, but having no provision for carrying loads independently. (Prior code § 27-1-1 (part))

12.04.400 Traffic.

“Traffic” means pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any street for purposes of travel. (Prior code § 27-1-1 (part))

12.04.405 Traffic-control signal.

“Traffic-control signal” means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed. (Prior code § 27-1-1 (part))

12.04.410 Trailer.

“Trailer” means every vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle. (Prior code § 27-1-1 (part))

12.04.415 Truck.

“Truck” means every motor vehicle designed, used or maintained primarily for the transportation of property. (Prior code § 27-1-1 (part))

12.04.420 Truck-camper.

“Truck-camper” means any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space. (Prior code § 27-1-1 (part))

12.04.425 Truck tractor.

“Truck tractor” means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. (Prior code § 27-1-1 (part))

12.04.430 Urban district.

“Urban district” means the territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more. (Prior code § 27-1-1 (part))

12.04.435 Vehicle.

“Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. (Prior code § 27-1-1 (part))

**Chapter 12.08
GENERAL REGULATIONS, ADMINISTRATION
AND ENFORCEMENT**

Sections:

- 12.08.010 Compliance with Title 12 provisions.**
- 12.08.020 Applicability of provisions—To highways.**
- 12.08.030 Applicability of provisions—To other areas.**
- 12.08.040 Emergency and experimental regulations authorized when.**
- 12.08.050 Traffic direction and enforcement authority of police and fire department officials.**
- 12.08.060 Obedience to enforcement officers.**
- 12.08.070 Compliance by public employees required.**
- 12.08.080 State registration plates—Required—Mounting and maintenance.**
- 12.08.090 State registration plates—Unlawful use.**
- 12.08.100 Driver’s or chauffeur’s license—Required.**
- 12.08.110 Driver’s or chauffeur’s license—Unlawful uses designated.**
- 12.08.120 Defensive driving course required for persons operating certain government vehicles.**
- 12.08.130 Animal riding and persons propelling pushcarts.**
- 12.08.140 Authorized emergency vehicles.**
- 12.08.150 Impoundment of vehicles.**
- 12.08.160 State offenses declared municipal misdemeanors.**
- 12.08.170 Violation of regulations adopted by traffic and parking commission—Penalty.**
- 12.08.180 Citations for violations.**
- 12.08.190 Warrant for violations when person cited signs waiver of warrant on citation.**
- 12.08.200 Service of process for actions involving nonpayment of certain traffic tickets or citations.**
- 12.08.210 Abandoned vehicles.**
- 12.08.220 Appeals.**

12.08.230 Powers supplemental.

12.08.010 Compliance with Title 12 provisions.

It is unlawful for any person to do any act forbidden, or fail to perform any act required, in this title. (Prior code § 27-1-2)

12.08.020 Applicability of provisions—To highways.

The provisions of this title shall apply upon highways and elsewhere throughout the metropolitan area. (Prior code § 27-1-19)

12.08.030 Applicability of provisions—To other areas.

The provisions of these regulations relating to the operation of vehicles apply to every street, alley, sidewalk, driveway, parking area, park area and every other way within the corporate limits of this metropolitan government including, without in any way restricting the generality of the foregoing, any of said areas which are or may be privately owned and to which the public is invited or the use of which is or may be afforded to the public by acquiescence and without invitation. (Prior code § 27-1-20)

12.08.040 Emergency and experimental regulations authorized when.

A. The department of public works, by and with the approval of the chief of police, is empowered to make regulations necessary to make effective the provisions of this title and to make temporary or experimental regulations to cover emergencies or special conditions. No experimental regulations shall remain in effect for more than ninety days. Emergency temporary regulations shall have the same force and effect as regulations passed by the traffic and parking commission at its first meeting after the emergency regulation is put in effect.

B. The department of public works may test traffic-control devices under actual conditions of traffic. (Ord. 93-575 § 3, 1993; prior code § 27-1-3)

12.08.050 Traffic direction and enforcement authority of police and fire department officials.

A. It shall be the duty of the officers of the police department, or such officers as are assigned by the chief of police, to enforce all traffic laws and regulations of the metropolitan government and all state laws applicable to traffic in the metropolitan government area.

B. Officers of the police department, or such officers as are assigned by the chief of police, are authorized to direct all traffic by voice, hand or signal, in conformance

with traffic laws and regulations; provided that, in the event of a fire or other emergency, or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws or regulations.

C. Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. (Prior code § 27-1-4)

12.08.060 Obedience to enforcement officers.

No person shall wilfully fail or refuse to comply with any lawful order or direction of any police officer or fireman invested by law with authority to direct, control or regulate traffic. (Prior code § 27-1-5)

12.08.070 Compliance by public employees required.

The provisions of this title shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this state or any county, city or other governmental entity, and any of the provisions of this title, except as otherwise permitted in this title or by state statute. (Prior code § 27-1-7)

12.08.080 State registration plates—Required—Mounting and maintenance.

A. Except as otherwise provided in the Tennessee Code Annotated, no person shall operate any vehicle within the metropolitan government area unless such vehicle shall have affixed thereto current registration plates issued for the operation of the vehicle. Registration plates issued for passenger motor vehicles shall be attached one on the front and one on the rear. The registration plate issued for a truck shall be attached to the rear of the vehicle. The registration plate issued for a truck tractor shall be attached to the front of the vehicle. The registration plate issued for a motorcycle, trailer, semi-trailer or dealer's plate shall be attached to the rear of the vehicle.

B. Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued, so as to prevent the plate from swinging and in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.

C. Every certificate of registration shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle. The owner of the vehicle may, in order to ensure its safekeeping, provide a duplicate or facsimile of the certificate of registration to be kept in the vehicle.

The requirement that a certificate of registration be carried in the vehicle to which it refers, or by the person driv-

ing the same, shall not apply when such certificate of registration is used for the purpose of making application for renewal of registration or upon a transfer of the vehicle.

D. No person may drive a vehicle when that vehicle has an expired registration.

E. Section 12.84.010 sets out the penalty for violation of this section. (§ 4 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; § 2 (part) of Amdt. 1 to Ord. 90-1255, 6/19/90; Ord. 90-1255 § 4 (10), 1990; prior code § 27-1-10)

12.08.090 State registration plates—Unlawful use.

A. It is unlawful for any person to use or affix to any vehicle a registration plate other than the one issued for that vehicle.

B. Section 12.84.010 sets out the penalty for violation of this section. (§ 4 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; § 2 (part) of Amdt. 1 to Ord. 90-1255, 6/19/90; Ord. 90-1255 § 4 (11), 1990; prior code § 27-1-11)

12.08.100 Driver's or chauffeur's license—Required.

No person, except those exempted by Tennessee Code Annotated, shall drive any motor vehicle upon any street, alley or thoroughfare within the jurisdiction of the metropolitan government unless such person has a valid license as an operator or chauffeur as provided for in such state law. No person shall operate a motor vehicle as a chauffeur unless he holds a valid chauffeur's license. Every holder of a valid operator or chauffeur license shall have his license in his immediate possession at all times when operating a motor vehicle. In addition, whenever a holder of a valid operator or chauffeur license changes his address, he must notify the Tennessee Department of Motor Vehicles of such change of address within ten days of the change of address. (Ord. 93-727 § 1, 1993; prior code § 27-1-13)

12.08.110 Driver's or chauffeur's license—Unlawful uses designated.

It is unlawful for any person to:

A. Display or cause or permit to be displayed or have in his possession any fictitious or fraudulently altered operator's or chauffeur's license;

B. Lend his operator's or chauffeur's license to any other person, or knowingly permit the use thereof by another;

C. Display or represent as one's own any operator's or chauffeur's license not issued to him;

D. Permit any unlawful use of an operator's or chauffeur's license issued to him;

E. Do any act prohibited or fail to perform any act required by Tennessee Code Annotated. (Prior code § 27-1-14)

12.08.120 Defensive driving course required for persons operating certain government vehicles.

From and after July 1, 1974, no person shall operate a vehicle owned by the metropolitan government, or a vehicle the operation of which is reimbursable by the metropolitan government unless and until such person has completed the defensive driving course of the National Safety Council, or any equivalent program, and is in possession of proof of such completion. (Ord. 92-239 § 1, 1992; prior code § 27-1-8.1)

12.08.130 Animal riding and persons propelling pushcarts.

Every person propelling any pushcart or riding an animal upon a roadway and every person driving any animal-drawn vehicle shall be subject to the provisions of this title applicable to the driver of any vehicle, except those provisions of this title which by their very nature can have no application. (Prior code § 27-1-6)

12.08.140 Authorized emergency vehicles.

A. The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to, but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

B. The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this title;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the maximum speed limits so long as he does not endanger life or property;
4. Disregard regulations governing direction of movement or turning in specified directions.

C. The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirements of the applicable laws of this state, except that an authorized emergency vehicle operated as a police vehicle may be equipped with or display a red light only in combination with a blue light visible from in front of the vehicle.

D. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (Ord. 94-1180 § 1, 1994; prior code § 27-1-12)

12.08.150 Impoundment of vehicles.

A. "Impoundment," as used in this title, means removing a vehicle from a street, alley, highway or thoroughfare to the nearest garage or other place of safety or a garage designated or maintained by the police department or otherwise maintained by the metropolitan government.

B. Members of the metropolitan police department shall have authority to impound any vehicle under the circumstances hereinafter enumerated:

1. When a vehicle is parked, stopped or standing upon any alley, street, highway or thoroughfare within the area of the metropolitan government in violation of any regulation or ordinance of the metropolitan government, except overtime parking violations now or hereafter in effect;

2. When a vehicle is so parked, stopped or standing upon any alley, street, highway or thoroughfare of the metropolitan government so as to obstruct the orderly flow of traffic thereon;

3. When a vehicle is left parked on any alley, street, highway or thoroughfare within the metropolitan government area for a period of forty-eight hours without current registration;

4. When a vehicle upon any alley, street, highway or thoroughfare in the metropolitan government area is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle does not provide for its custody and removal;

5. When the driver or operator of such vehicle has been arrested for driving under the influence of intoxicating liquor in violation of the Tennessee Code Annotated.

C. Whenever it becomes necessary to make an arrest of the operator or driver of any vehicle, the officer making the arrest shall allow the person arrested to remove his vehicle to the nearest legal parking location or to turn over the custody of his vehicle to another person present and not placed under arrest, and capable of providing for the custody and removal of the vehicle.

D. Whenever an officer of the metropolitan police department removes a vehicle from any alley, street, highway or thoroughfare, as authorized in this section, the officer shall obtain from the wrecker or tow-in service employee a receipt in triplicate, one copy of which shall be retained by the wrecker or tow-in service employee, describing the vehicle, the reasons for its removal, the place where the vehicle is to be stored, and all items of a per-

sonal nature found in the vehicle and not attached to or a part of the vehicle. Such officer shall give or cause to be given to the owner of such vehicle the duplicate copy of such receipt described in the preceding sentences as notice to such owner of the fact of removal. The original of such receipt described above shall be retained by the metropolitan police department as a permanent record.

E. The owner or authorized driver or operator of the impounded vehicle may make application to take possession of the same and remove such vehicle from the place to which it has been removed or stored by paying the costs of removing the vehicle from such street or alley and all charges which may have accrued for the storage of the vehicle; provided, that if the trial judge, after hearing the facts and circumstances, determines that the impoundment was not lawfully authorized, the towing and storage fees shall be refunded to the person paying same. (Ord. 93-620 § 1, 1994; Ord. 90-1339 § 1 (27-1), 1990; prior code § 27-1-15)

12.08.160 State offenses declared municipal misdemeanors.

The state offenses cited under Tennessee Code Annotated, and which are not specifically made a violation of this Code or any other ordinance of the metropolitan government, are hereby declared to be municipal misdemeanors, the definition of such offenses to be the same as those contained in the state statutes; provided, that this section shall not apply to any offenses which are made exclusively a violation of state law. (Prior code § 27-1-8)

12.08.170 Violation of regulations adopted by traffic and parking commission—Penalty.

A. Each violation of the traffic regulations adopted by the metropolitan traffic and parking commission at its meeting on May 8, 1972, and filed with the metropolitan clerk shall constitute a separate offense punishable by a fine of not less than one dollar nor more than fifty dollars.

B. Each violation of the traffic regulations subsequently adopted by the metropolitan traffic and parking commission which shall be filed with the metropolitan clerk shall constitute a separate offense, punishable by a fine of not less than one dollar nor more than fifty dollars.

C. All violations of subsections A and B of Section 12.44.040, as they pertain to parking meters, shall be punishable by a fine of not less than ten dollars for each separate offense. All violations of subsection C of Section 12.44.040, overtime parking, as it pertains to parking meters, shall be punishable by a fine of not less than fifteen dollars for each separate offense.

D. All other parking violations shall be punishable by a fine of not less than ten dollars for each separate offense.

E. Any person who shall violate any of the provisions of the ordinance establishing the residential permit parking program for the metropolitan government shall, upon conviction, be punished by a fine of not more than fifty dollars.

F. Any person who shall violate any of the provisions of the ordinance establishing the downtown area residential permit parking program for the metropolitan government shall, upon conviction, be punished by a fine of not more than fifty dollars. (Ord. 93-584 § 7(B), 1993; Ord. 93-562 § 12(B), 1993; Ord. 92-209 §§ 1, 2, 1992; prior code § 27-1-18)

12.08.180 Citations for violations.

A. It is declared to be the intention of the metropolitan council that in the issuance of any traffic citation or any complaint or warrant for the violation of any section of this title or other metropolitan government ordinance, it shall be sufficient to cite the number of the section of this title or the ordinance number and the section violated, together with a brief statement of cause of action sufficient to place the defendant on notice of the charge he is called upon to defend against.

B. No traffic complaint or warrant shall be declared void by reason of the fact that the incorrect ordinance or section number was cited, so long as the complaint or warrant states a cause of action sufficient to place the defendant on notice of the charge he is called upon to defend against. (Prior code § 27-1-16)

12.08.190 Warrants for violations when person cited signs waiver of warrant on citation.

When any person is charged with a traffic violation in the metropolitan government area and a traffic citation is issued to such person on such violation, it shall be the duty of the metropolitan court in which such case is set for trial to try the same without the issuance or service of a warrant upon such defendant, provided the defendant has signed a waiver on such citation agreeing to come to court and waiving the issuance and service of a warrant upon him. (Prior code § 27-1-17)

12.08.200 Service of process for actions involving nonpayment of certain traffic tickets or citations.

Service of process through the use of registered or certified mail, addressee only, return receipt requested, is permitted in lieu of personal service of process in all actions of debt involving nonpayment of any ticket or citation

issued for any nonmoving traffic violation. (Ord. 92-372 § 1, 1992)

12.08.210 Abandoned vehicles.

A. No person shall permit an abandoned vehicle to remain on any alley, street, highway or thoroughfare within the area of the metropolitan government.

B. "Abandoned motor vehicle," for the purposes of this chapter, means a motor vehicle that is over four years old including any contents of that vehicle, that is left unattended on public property for more than ten days, or a motor vehicle that is in an obvious state of disrepair and is left unattended on public property for more than three days.

C. "Obvious state of disrepair" means a motor vehicle exhibiting one or more of the following characteristics: inoperable under its own power, without one or more wheels or inflated tires, burned throughout, or with more than one broken window.

D. "Motor vehicle" means any self-propelled, wheeled conveyance that does not run on rails.

E. "Demolisher" means any person whose business is to convert a motor vehicle into processed scrap or scrap metal, or otherwise to wreck or dismantle motor vehicles.

F. "Public property," for the purposes of this section, shall include but not be limited to, any alley, street, highway or thoroughfare within the area of the metropolitan government.

G. The department of codes administration is authorized to investigate any alleged violations of this section and to enforce the provisions of this section.

H. When, after investigation, the department of codes administration determines that a motor vehicle may constitute an abandoned motor vehicle, the department shall attach a notice to the vehicle. The notice shall state the date and time that it was attached, the name and department of the person attaching the notice, and the location of the vehicle. The notice shall further state that the metropolitan government has determined that the vehicle may constitute an abandoned vehicle, and shall set forth the date by which the owner must remove the vehicle including any contents from public property. It shall further state that if the vehicle is not removed, it will be taken into custody and demolished unless the owner files an appeal with the director of the department of codes administration within ten days of the removal date.

I. The department of codes administration may authorize other departments or boards of the metropolitan government to attach the notice described in subsection H of this section. If the notice described in subsection H of this section is attached to the vehicle by a department or board other than the department of codes administration,

the department of codes administration shall be immediately informed that the notice has been attached.

J. If a vehicle to which a notice is attached pursuant to subsection H of this section is not removed by the removal date specified in such notice, an inspector from the department of codes administration may apply to the director of codes administration or his designee for authority to sell, give away, or dispose of the vehicle including any contents to a demolisher. The application shall set out the name of the applicant, the year, make, model and serial number of the motor vehicle, if ascertainable, together with any other identifying features, and shall contain a concise statement of the facts surrounding the abandonment. The application shall contain an affidavit by the inspector, stating that the facts alleged therein are true, and that no material fact has been withheld. If the director of the department of codes administration or his designee finds that the application is executed in proper form and establishes that the motor vehicle including any contents has been abandoned on public property, the director shall have the authority to allow for disposal of the vehicle including any contents to a demolisher after compliance with the notification procedures set forth in subsection K of this section.

K. If a vehicle, including any contents, to which a notice is attached pursuant to subsection H of this section is not removed by the removal date specified in such notice, the department of codes administration shall provide written notice to the owner of the vehicle and to all lienholders of record that the vehicle has been found to be abandoned. This notice shall be sent by registered or certified mail, return receipt requested, to the last known address of the owner of record and to all lienholders of record. The notice shall be written in plain language and shall contain the year, make, model and vehicle identification number of the motor vehicle, if ascertainable, the location of the motor vehicle, and a statement advising the owner that he or she has ten days to appeal the determination by the department of codes administration that the vehicle is abandoned or to remove the vehicle including any contents from the property, or the department of codes administration shall take the abandoned vehicle into custody to be sold or demolished. The notice shall further inform the owner and any lienholders that pursuant to the provisions of Tennessee Code Annotated Section 155-16-108, the vehicle may be disposed of to a demolisher immediately after it is taken into custody, but in the event the vehicle is not disposed of immediately, the owner or lienholder has the right to reclaim the motor vehicle after it is taken into custody but before it is sold or demolished, upon payment of all towing, preservation, storage or any other charges resulting from placing the vehicle in cus-

today. The notice shall state that failure of the owner or lienholders to exercise their right to reclaim the vehicle including any contents shall be deemed a waiver by the owner and all lienholders of all right, title and interest in the vehicle and any contents and consent to the demolition of the vehicle or its sale at a public auction. If the owner or lienholder cannot be located through the exercise of due diligence, notice by publication shall be given pursuant to Tennessee Code Annotated Section 55-16-105(c).

L. If the owner or lienholder of an abandoned motor vehicle fails to appeal the determination that the vehicle is abandoned or fails to remove the motor vehicle within the time allowed for an appeal, the department of codes administration is authorized to take the vehicle including any contents into custody or to employ a private contractor to remove the vehicle including any contents from public property. The department is authorized to sell the vehicle at public auction or, by certificate of authority, as provided in Tennessee Code Annotated Section 55-16-108, to dispose of the motor vehicle including any contents to any demolisher for demolition, wrecking or dismantling or as otherwise provided by law. If an appeal is made pursuant to Section 12.08.220, the motor vehicle shall not be taken into custody or demolished until such time as the director of codes administration affirms the determination that the motor vehicle is abandoned.

M. Sale of the vehicle at public auction shall follow the procedures set forth in Tennessee Code Annotated Sections 55-16-106 through 107. (Ord. 2002-1128 § 1, 2002; Ord. 2002-1071 § 1, 2002; Ord. 93-620 § 2 (part), 1994)

not in substitution of the powers and duties conferred by any other law. (Ord. 93-620 § 2 (part), 1994)

12.08.220 Appeals.

A. Any owner or lienholder of a motor vehicle aggrieved by the determination that a vehicle is an abandoned motor vehicle may appeal to the director of codes administration or his designee within ten days of receipt of the notice provided for in Section 12.08.210(K). Failure to appeal within the specified time period shall without exception constitute a waiver of the right of appeal, and consent to the demolition of the vehicle or its sale at a public auction.

B. After a hearing, the director of codes administration shall enter an order and send a copy to the owner and lienholder, stating whether the vehicle was properly determined to be abandoned. If such order states that the vehicle is abandoned, the owner and/or lienholder will be informed of the date that the vehicle will be taken into custody if not removed. (Ord. 93-620 § 2 (part), 1994)

12.08.230 Powers supplemental.

The powers and duties conferred by Sections 12.08.210 and 12.08.220 shall be in addition and supplemental to and

Chapter 12.12

TRAFFIC-CONTROL DEVICES

Sections:

- 12.12.010 Installation—Chief traffic engineer authority.**
- 12.12.020 Turning markers—Placement authority and driver obedience.**
- 12.12.030 Restricted turn signs—Placement authority and driver obedience.**
- 12.12.040 Manual and specifications for traffic-control devices.**
- 12.12.050 Obedience to traffic-control devices.**
- 12.12.060 Devices required for enforcement of provisions.**
- 12.12.070 Placement of devices—Presumption of legality.**
- 12.12.080 Continuation of existing traffic-control devices.**
- 12.12.090 Signal legend—Colors and other indications.**
- 12.12.100 Flashing control signals.**
- 12.12.110 Traffic lanes.**
- 12.12.120 Lane direction control signals.**
- 12.12.130 Crosswalks and safety zones.**
- 12.12.140 Pedestrian control signals.**
- 12.12.150 Play streets—Establishment authority.**
- 12.12.160 Play streets—Driving limitations.**
- 12.12.170 Unauthorized signs, signals or markings.**
- 12.12.180 Interfering with or removing official traffic-control devices.**
- 12.12.190 Annual reporting on the Neighborhood Traffic Management Program required.**

12.12.010 Installation—Chief traffic engineer authority.

The department of public works shall place and maintain traffic-control signs, signals and devices when and as required under the traffic regulations of the metropolitan government to make effective the provisions of such regulations, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under the traffic regulations of the metropolitan government or under state law, or to guide or warn traffic. (Ord. 93-575 § 4(a), 1993; prior code § 27-1-50)

12.12.020 Turning markers—Placement authority and driver obedience.

A. The department of public works is authorized to place markers, buttons or signs within or adjacent to intersections, indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinances.

B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the direction of such indications.

C. Section 12.84.020 sets out the penalty for violation of subsection B of this section. (Ord. 93-575 § 4(b), 1993; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (48), 1990; prior code § 27-1-114)

12.12.030 Restricted turn signs—Placement authority and driver obedience.

A. The department of public works is authorized to determine those intersections at which drivers of vehicles shall not make a right or left turn or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or they may be removed when such turns are permitted.

B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such signs, as set out in Schedule III.*

C. Section 12.84.020 sets out the penalty for violation of subsection B of this section. (Ord. 93-575 § 4(c), 1993; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (49), 1990; prior code § 27-1-115)

* **Editor's Note:** Schedule III is on file for public inspection at the offices of the metropolitan traffic and parking commission.

12.12.040 Manual and specifications for traffic-control devices.

All traffic-control signs, signals and devices shall conform to the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the United States Department of Transportation Federal Highway Administration. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the metropolitan government area. All traffic-control devices so erected and not inconsistent with the provisions of this title shall be official traffic-control devices. (Prior code § 27-1-51)

12.12.050 Obedience to traffic-control devices.

A. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto, placed in accordance with the provisions of this title, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this title.

B. Section 12.84.020 sets out the penalty for violation of subsection A of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (6), 1990; prior code § 27-1-52)

12.12.060 Devices required for enforcement of provisions.

A. No provision of this title for which official traffic-control devices are required shall be enforced against any alleged violators if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

B. Whenever traffic-control devices are not in place, the intersection right-of-way in Section 12.16.150 shall be observed. (Prior code § 27-1-53)

12.12.070 Placement of devices—Presumption of legality.

A. Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

B. Any official traffic-control device placed pursuant to the provisions of this regulation and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this title unless the contrary shall be established by competent evidence. (Prior code § 27-1-54)

12.12.080 Continuation of existing traffic-control devices.

All official traffic-control signals, signs and markings which have heretofore been placed and are now in place on the streets of the metropolitan government, unless in conflict with the provisions of this title, are continued in full force and effect until removed, altered, changed or otherwise replaced. (Prior code § 27-1-59)

12.12.090 Signal legend—Colors and other indications.

Whenever traffic is controlled by traffic-control signals as set out in Schedule I,* exhibiting different colored

lights or a colored lighted arrow, successively, and at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and such lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

A. Green Indication.

1. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersections, or an adjacent crosswalk, at the time such signal is exhibited.

2. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk, and to other traffic lawfully using the intersection.

3. Unless otherwise directed by a pedestrian control signal, as provided in Section 12.12.140, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

B. Steady Yellow Indication.

1. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

2. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in Section 12.12.140, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

C. Steady Red Indication.

1. Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown, except as provided in subsection (C)(2) below.

2. Vehicular traffic facing a steady red signal may make a right turn at an intersection after coming to a full and complete stop and yielding the right-of-way to pedestrians and cross traffic lawfully using the intersection, and such right turn shall not endanger any other traffic lawfully using the intersection. A right turn on a red signal shall be

allowed at any intersection unless marked by a sign which states "no turn on red."

3. Unless otherwise directed by a pedestrian control signal, as provided in Section 12.12.140, pedestrians facing a steady red signal alone shall not enter the roadway.

D. Traffic, except pedestrians, facing a steady red arrow indication, may not enter the intersection to make the movement indicated by such arrow and, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to make the movement indicated by such arrow is shown.

E. Unless otherwise directed by a pedestrian signal, pedestrians facing a steady red arrow signal indication shall not enter the roadway.

F. Section 12.84.030 sets out the penalty for violation of subsections (A)(1), (A)(2), (C)(1), (C)(2) and (D) of this section. (Ord. 98-1447 § 2, 1999; Ord. 90-1339 § 1 (27-3), 1990; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (9), 1990; prior code § 27-1-60)

* **Editor's Note:** Schedule I is on file for public inspection at the offices of the metropolitan traffic and parking commission.

12.12.100 Flashing control signals.

A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

1. Flashing Red (Stop Signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway, before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

2. Flashing Yellow (Caution Signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

B. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Section 12.76.090 of this title.

C. Section 12.84.020 sets out the penalty for violation of subsections (A)(1) and (A)(2) of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (10), 1990; prior code § 27-1-62)

12.12.110 Traffic lanes.

A. The department of public works is authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

B. A vehicle shall be driven as nearly as practical entirely within a single lane, and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

C. Upon a roadway which is divided into three lanes for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted and/or signalized to give notice of such allocation.

D. Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of such vehicles shall obey the directions of every such sign.

E. Section 12.84.030 sets out the penalty for violation of subsections B, C and D of this section. (Ord. 98-1447 § 3, 1999; Ord. 93-575 § 4(d), 1993; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (8), 1990; prior code § 27-1-58)

12.12.120 Lane direction control signals.

A. When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (11), 1990; prior code § 27-1-63)

12.12.130 Crosswalks and safety zones.

The department of public works is authorized:

A. To designate and maintain, by appropriate devices, marks or lines upon the surfaces of the roadway, crosswalks at intersections where, in his opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary;

B. To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians. (Ord. 93-575 § 4(e), 1993; prior code § 27-1-57)

12.12.140 Pedestrian control signals.

Whenever special pedestrian control signals exhibiting the words “Walk” or “Don’t Walk” or “Wait” are in place, such signals shall indicate as follows:

A. “Walk.” Pedestrians facing such signals may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

B. A pedestrian facing a flashing “Don’t Walk” signal shall not start to cross the street, but any pedestrian who has partly completed his crossing during steady walk signal shall proceed to a sidewalk, or safety island.

C. “Don’t Walk.” No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially complete his crossing on the “Walk” signal shall proceed to a sidewalk or safety island while the “Don’t Walk” signal is showing.

D. A pedestrian facing a flashing “Walk” signal will cross street in a manner to avoid vehicular conflict.

E. Diagonal Crossing. Where all pedestrian control signals show “Walk” simultaneously, diagonal crossing of the intersection by pedestrians is permissible. (Prior code § 27-1-61)

12.12.150 Play streets—Establishment authority.

The department of public works shall have authority to declare any street or part thereof as a play street, and to place appropriate signs or devices in the roadway indicating and helping to protect the area. (Ord. 93-575 § 4(f), 1993; prior code § 27-1-55)

12.12.160 Play streets—Driving limitations.

A. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

B. Section 12.84.020 sets out the penalty for violation of subsection A of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (7), 1990; prior code § 27-1-56)

12.12.170 Unauthorized signs, signals or markings.

A. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of, or attempts to direct the movement of traffic, or which

hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

B. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

C. This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

D. Every such prohibited sign, signal or marking is declared to be a public nuisance and the traffic and parking commission is empowered to remove the same or cause it to be removed without notice.

E. Provided, however, neighborhood watch signs may be erected adjacent to streets and highways and/or be placed on existing traffic sign poles, except those for stop signs and yield signs, provided they do not interfere with or block the view of any traffic-control device, any provision in this section or the metropolitan code to the contrary notwithstanding. (Amdt. 1 to Ord. 92-190, 4/21/92; Ord. 92-190 § 1, 1992; prior code § 27-1-64)

12.12.180 Interfering with or removing official traffic-control devices.

It is unlawful for any person to attempt or in fact alter, deface, injure, knock down or remove any official traffic-control device, or any railroad sign or signal, or any inscription, shield or insignia thereon or any part thereof. (Prior code § 27-1-65)

12.12.190 Annual reporting on the Neighborhood Traffic Management Program required.

A. Beginning November 1, 2004, and annually thereafter on November 1, the metropolitan department of public works shall file a report with the metro council providing progress on the implementation of the Metro Neighborhood Traffic Management Program (MNTMP) and the results of any and all traffic-calming devices, methods and techniques utilized within that year to meet the goals of the affected residents of those streets registered as qualified for remedy in the MNTMP. The metropolitan police department shall provide all information to the metropolitan department of public works deemed to be necessary for the preparation of the report.

B. The annual report will use the best available or most current data available as the base year for all information requested. To the extent possible, statistical data used in formulating recommendations or restrictions applied to achieve strategic solutions should be provided in the report. The annual report should contain, but is not limited to, the following information:

1. Streets, their sponsoring neighborhood association and councilmanic districts in which they are located, active in the MNTMP;
2. Current neighborhood status in program;
3. Their ranking in the process identified:
 - a. By year entering MNTMP,
 - b. By eighty-fifth percentile speed, average daily traffic, pedestrian, bicycle or auto accidents reported officially and the established priority.
4. Breakdown of expenditures for engineering, education and enforcement related to the traffic management program:
 - a. Explanation of educational methods used,
 - b. Explanation of engineering methods used,
 - c. Number of police man-hours reported and citations issued for offenses perpetrated on the streets and intersections of the affected neighborhoods.
5. Number of applicants pending review for entry into the traffic management program;
6. Number of new applications reviewed for entry into the program;
7. Number of projects removed for public health or safety reasons;
8. Number of projects removed by citizen petition request. (Amdt. 1 with Ord. BL2004-374 § 1, 2004)

Chapter 12.16

RULES OF THE ROAD

Sections:

- | | |
|------------------|---|
| 12.16.010 | Driving on right side of roadway required—Exceptions. |
| 12.16.020 | Overtaking a vehicle on the left. |
| 12.16.030 | Passing vehicles proceeding in opposite directions—Narrow roadways. |
| 12.16.040 | Passing on right permitted when. |
| 12.16.050 | Overtaking on the left. |
| 12.16.060 | Driving on left side of roadway prohibited—Exceptions. |
| 12.16.070 | Driving on divided highways. |
| 12.16.080 | Controlled-access roadways—Entrance and exit restrictions. |
| 12.16.090 | Controlled-access roadways—Use restrictions and traffic-control devices. |
| 12.16.100 | No-passing zones. |
| 12.16.110 | Turning movements and required turning signals. |
| 12.16.120 | Turn signal procedures. |
| 12.16.130 | Hand and arm signals. |

- | | |
|------------------|--|
| 12.16.140 | Position of vehicles when turning at intersections. |
| 12.16.150 | Yield right-of-way—Vehicles at intersections. |
| 12.16.160 | Yield right-of-way—Vehicles turning to the left. |
| 12.16.170 | Turning to go in opposite direction. |
| 12.16.180 | School buses—Overtaking and passing restrictions. |
| 12.16.190 | Starting parked vehicles. |
| 12.16.200 | Following too closely. |
| 12.16.210 | Cutting through private property prohibited. |
| 12.16.220 | Driving on streets under construction prohibited. |
| 12.16.230 | Driving through safety zones prohibited. |

12.16.010 Driving on right side of roadway required—Exceptions.

A. Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person doing so shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

4. Upon a roadway restricted to one-way traffic.

B. Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction, or when preparing for a left turn at an intersection, or into a private road or driveway.

C. Section 12.84.020 sets out the penalty for violation this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (30), 1990; prior code § 27-1-95)

12.16.020 Overtaking a vehicle on the left.

A. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction,

subject to those limitations, exceptions and special rules hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle;

2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

B. Section 12.84.020 sets out the penalty for violation of this section.

C. The driver of a vehicle overtaking a bicycle proceeding in the same direction shall pass to the left thereof at a safe distance, but not less than three feet clearance, and shall maintain clearance until safely past the overtaken bicycle. (Ord. 99-1815 § 14, 1999; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (33), 1990; prior code § 27-1-98)

12.16.030 Passing vehicles proceeding in opposite directions—Narrow roadways.

A. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (32), 1990; prior code § 27-1-97)

12.16.040 Passing on right permitted when.

A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being travelled by the overtaking vehicle.

B. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.

C. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255,

7/17/90; Ord. 90-1255 § 1 (34), 1990; prior code § 27-1-99)

12.16.050 Overtaking on the left.

A. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by provisions of this chapter and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within one hundred feet of any approaching vehicle.

B. Section 12.84.020 sets out the penalty for violation of this section. (Ord. 90-1339 § 1 (27-4), 1990; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (35), 1990; prior code § 27-1-100)

12.16.060 Driving on left side of roadway prohibited—Exceptions.

A. No vehicle shall be driven on the left side of the roadway under the following conditions:

1. When approaching or upon the crest of a grade or curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

2. When approaching within one hundred feet of or traversing any intersection or railroad grade crossing;

3. When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.

B. The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in subsection (A)(2) of Section 12.16.040, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

C. Section 12.84.020 sets out the penalty for violation of subsection A of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (36), 1990; prior code § 27-1-101)

12.16.070 Driving on divided highways.

A. Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official

traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space, or at a cross-over or intersection as established, unless specifically prohibited by traffic and parking commission.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (39), 1990; prior code § 27-1-104)

12.16.080 Controlled-access roadways—Entrance and exit restrictions.

A. No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (23), 1990; prior code § 27-1-88)

12.16.090 Controlled-access roadways—Use restrictions and traffic-control devices.

A. The traffic and parking commission, by resolution, may regulate or prohibit the use of any controlled-access roadway or highway within Metropolitan Nashville-Davidson County, by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

B. The traffic and parking commission adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access highway on which such prohibitions are applicable, and when in place no person shall disobey the restrictions stated on such devices.

C. Section 12.84.020 sets out the penalty for violation of subsection B of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (24), 1990; prior code § 27-1-89)

12.16.100 No-passing zones.

A. The department of public works is authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or marking on the roadway indicate the beginning and end of such zones, and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

B. This section does not apply under the conditions described in subsection (A)(2) of Section 12.16.040, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

C. Section 12.84.020 sets out the penalty for violation of subsection A of this section. (Ord. 93-575 § 4(g), 1993; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (37), 1990; prior code § 27-1-102)

12.16.110 Turning movements and required turning signals.

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by Section 12.16.140, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course, or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided. When turning a vehicle at an intersection or to enter a private road or driveway, a person shall yield the right-of-way to bicycles traveling lawfully within a bicycle lane, shoulder, sidewalk or on the roadway.

B. A signal of intention to turn right or left when required shall be given continuously during not less than the last fifty feet traveled by the vehicle before turning.

C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

D. The signals provided for in subsection B of Section 12.16.120 shall be used to indicate an intention to turn, change lanes or start from a parked position, and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or “do pass” signal to operators of other vehicles approaching from the rear.

E. Section 12.84.020 sets out the penalty for violation of subsections A through D of this section. (Ord. 99-1815 § 15, 1999; Ord. 90-1339 § 1 (27-5), (27-6), 1990; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (41), 1990; prior code § 27-1-106)

12.16.120 Turn signal procedures.

A. Any stop or turn signal, when required in this title, shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection B of this section.

B. Any motor vehicle in use on a highway shall be equipped with and required signal shall be given by signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or

load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

C. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (42), 1990; prior code § 27-1-107)

12.16.130 Hand and arm signals.

A. All signals required in this title given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

1. Left Turn. Hand and arm extended horizontally;
2. Right Turn. Hand and arm extended upward;
3. Stop or Decrease Speed. Hand and arm extended downward.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (43), 1990; prior code § 27-1-108)

12.16.140 Position of vehicles when turning at intersections.

A. The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right Turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
2. Left Turns. The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

3. Traffic-Control Devices. The traffic and parking commission may cause official traffic-control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

B. Section 12.84.020 sets out the penalty for violation of subsections A through C of this section. (§ 1 (part) of

Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (46), 1990; prior code § 27-1-111)

12.16.150 Yield right-of-way—Vehicles at intersections.

A. When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

B. The right-of-way rule declared in subsection A of this section is modified by the control of a police officer or traffic-control devices and as otherwise stated in this title.

C. Section 12.84.020 sets out the penalty for violation of subsection A of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (44), 1990; prior code § 27-1-109)

12.16.160 Yield right-of-way—Vehicles turning to the left.

A. The driver of a vehicle intending to turn to the left within an intersection, or into an alley, private road or driveway, shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (45), 1990; prior code § 27-1-110)

12.16.170 Turning to go in opposite direction.

A. The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

B. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

C. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (50), 1990; prior code § 27-1-116)

12.16.180 School buses—Overtaking and passing restrictions.

A. The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching such school bus when there is in operation on said school bus the flashing red lights specified in Tennessee Statute Annotated and said driver shall

not proceed until such school bus resumes motion or he is signaled by the school bus driver to proceed or the flashing red lights are no longer actuated.

B. Every school bus shall be equipped with red visual signals meeting the requirements of Tennessee Statute Annotated of subsection A of this section, which may be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate said special visual signals:

1. In business districts and on urban arterial streets designated by the traffic and parking commission;
2. At intersections or other places where traffic is controlled by traffic-control signals or police officers; or
3. In designated school-bus loading areas where the bus is entirely off the roadway.

C. Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating "school bus" shall be covered or concealed.

D. Violation—Penalty.

1. For any person or persons electing to plead guilty and pay a fine for the violation of this section or subsection prior to the court date, the fine for the conviction of a first violation of this section within a twelve-month period shall be fifty dollars, and the fine for the conviction of a second violation within twelve months shall be fifty dollars.

2. The fine for a conviction of a third violation within twelve months shall be set by the court in accordance with Section 1.01.030. The court may use the aforementioned schedule as a guide in setting fines in accordance with Section 1.01.030 for any person or persons who appear in court to contest any violation of this section or subsection. (Ord. 95-1329 § 2 (part), 1995; § 3 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 3 (part), 1990; prior code § 27-1-112)

12.16.190 Starting parked vehicles.

A. No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (40), 1990; prior code § 27-1-105)

12.16.200 Following too closely.

A. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

B. The driver of any motor vehicle drawing another vehicle, when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

C. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

D. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (38), 1990; prior code § 27-1-103)

12.16.210 Cutting through private property prohibited.

A. The driver or operator of any vehicle shall not drive upon or through any private property or upon or through any driveway not a part of the street or roadway for the purpose of avoiding obedience to any traffic regulation or ordinance of the metropolitan government.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (52), 1990; prior code § 27-1-118)

12.16.220 Driving on streets under construction prohibited.

A. It is unlawful for any person or any event thereof, to drive or cause to be driven, any vehicle upon, over or across any freshly oiled street or pavement in the city which is in the process of construction or is being repaired, and which has not been opened to the use of the public, except an authorized emergency vehicle while engaged in emergency duty, nor shall drive such vehicle upon any street or highway which is officially closed to traffic and which is plainly indicated as such by officially erected signs, barricades or other traffic-control devices.

B. Section 12.84.020 sets out the penalty for violation of subsection A of this section. (§ 1 (part) of Amdt. 2 to

Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (28), 1990; prior code § 27-1-93)

12.16.230 Driving through safety zones prohibited.

A. No vehicle shall at any time be driven through or within a safety zone.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (47), 1990; prior code § 27-1-113)

**Chapter 12.20
SPEED RESTRICTIONS**

Sections:

- 12.20.010 Basic rule—Reasonable speed under the conditions.**
- 12.20.020 Maximum speed limits.**
- 12.20.030 Special speed zones.**
- 12.20.040 Speed limitations for certain vehicles and conditions.**
- 12.20.050 Minimum speed regulation.**
- 12.20.060 Alleys.**
- 12.20.070 School zone restrictions.**

12.20.010 Basic rule—Reasonable speed under the conditions.

A. No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions in compliance with Sections 12.20.030 and 12.20.040 of this title.

B. Section 12.84.030 sets out the penalty for violation of subsection A of this section. (Ord. 98-1447 § 4, 1999; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (1), 1990; prior code § 27-1-30)

12.20.020 Maximum speed limits.

In the absence of a posted speed limit sign duly authorized by the traffic and parking commission, and except as provided by Sections 12.20.030, 12.20.040 and 12.20.070, or any other section of this title, no person shall exceed the maximum lawful speed stated hereunder, provided that this section shall not apply to the Interstate Highway Sys-

tem, which is regulated under Tennessee Code Annotated, Section 5-8-152:

- A. Thirty miles per hour in any urban district;
- B. Fifty-five miles per hour in other locations;
- C. Section 12.84.030 sets out the penalty for violation of subsections A and B of this section. (Ord. 98-1447 § 5, 1999; Ord. 90-1339, § 1 (27-2), 1990; prior code § 27-1-31)

12.20.030 Special speed zones.

A. Whenever the traffic and parking commission shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the metropolitan highway system, the commission may determine and declare a reasonable and safe maximum or minimum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Such a maximum or minimum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds. It is unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this regulation when signs are in place giving notice thereof as set out in Schedule II.*

B. Section 12.84.030 sets out the penalty for violation of subsection A of this section. (Ord. 96-245 § 1, 1996; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (3), 1990; prior code § 27-1-32)

* **Editor's Note:** Schedule II is on file for public inspection at the offices of the metropolitan traffic and parking commission.

12.20.040 Speed limitations for certain vehicles and conditions.

A. No person shall drive any vehicle equipped with solid rubber tires at a speed greater than a maximum of ten miles per hour.

B. The traffic and parking commission or public works department may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this title, the commission shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained before each end of such structure.

C. Section 12.84.020 sets out the penalty for violation of subsection A of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (4), 1990; prior code § 27-1-33)

12.20.050 Minimum speed regulation.

Whenever the traffic and parking commission shall determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the commission may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs. (Prior code § 27-1-36)

12.20.060 Alleys.

A. The maximum speed limit in alleys shall be ten miles per hour.

B. Section 12.84.020 sets out the penalty for violation of subsection A of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (5), 1990; prior code § 27-1-34)

12.20.070 School zone restrictions.

A. No driver of a vehicle shall, upon approaching any school zone while children are going to or from school, drive through such zone in excess of fifteen miles per hour. When a school patrol is on duty at any crosswalk approach to a school for the purpose of protecting school pedestrians, and shall give a clearly recognizable signal to approaching traffic, all such approaching traffic shall come to a full stop before entering the crosswalk and shall proceed only when all school pedestrians in the street have safely reached the sidewalk.

B. Section 12.84.030 sets out the penalty for violation of subsection A of this section. (Ord. 98-1447 § 6, 1999; Ord. 95-1329 § 2 (part), 1995; § 2 of Amdt. 2 to Ord. 90-1255, 7/17/90; § 1 of Amdt. 1 to Ord. 90-1255, 6/19/90; Ord. 90-1255 § 2, 1990; prior code § 27-1-35)

**Chapter 12.24
THROUGH STREETS AND STOP
INTERSECTIONS**

Sections:

- | | |
|------------------|--|
| 12.24.010 | Through streets—Schedule V. |
| 12.24.020 | Sign requirements. |
| 12.24.030 | Other intersections where stopping or yielding is required. |

- | | |
|------------------|--|
| 12.24.040 | Procedures for vehicles entering stop or yield intersections. |
| 12.24.050 | Vehicles emerging from alley, driveway or building. |
| 12.24.060 | Obstructing intersections—Entry restrictions. |

12.24.010 Through streets—Schedule V.

Those streets and parts of streets described in Schedule V* are hereby expressly declared to be through streets. (Prior code § 27-1-180)

* **Editor's Note:** Schedule V is on file for public inspection at the offices of the metropolitan traffic and parking commission.

12.24.020 Sign requirements.

Whenever any regulation or ordinance designates and describes a through street, it shall be the duty of the department of public works to place and maintain a stop sign or, on the basis of an engineering and traffic investigation at any intersection, a yield sign, on each street intersecting such through street, unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, that at the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of such streets as may be determined by the department of public works upon the basis of an engineering and traffic study. (Ord. 93-575 § 4(h), 1993; prior code § 27-1-181)

12.24.030 Other intersections where stopping or yielding is required.

The department of public works is authorized to determine and designate intersections as set out in Schedule VI* where particular hazard exists upon other than through streets and to determine:

A. Whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required; or

B. Whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in Section 12.24.010, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required. (Ord. 93-575 § 4(i), 1993; prior code § 27-1-182)

* **Editor's Note:** Schedule VI is on file for public inspection at the offices of the metropolitan traffic and parking commission.

12.24.040 Procedures for vehicles entering stop or yield intersections.

A. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in Section 12.24.020 of this chapter.

B. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the such highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

C. The driver of a vehicle approaching a yield sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. Provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.

D. Section 12.84.030 sets out the penalty for violation of subsections B and C of this section. (Ord. 98-1447 § 7, 1999; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (59), 1990; prior code § 27-1-183)

12.24.050 Vehicles emerging from alley, driveway or building.

A. The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway, shall yield the right-of-way to all vehicles approaching on such roadway.

B. Section 12.84.020 sets out the penalty for violation of subsection A of this section. (§ 1 (part) of Amdt. 2 to

Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (60), 1990; prior code § 27-1-184)

12.24.060 Obstructing intersections—Entry restrictions.

A. No driver shall enter an intersection or a marked crosswalk, or drive onto any railroad grade crossing, unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains.

B. Section 12.84.020 sets out the penalty for violation of subsection A of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (61), 1990; prior code § 27-1-185)

**Chapter 12.28
ONE-WAY STREETS AND ALLEYS**

Sections:

- 12.28.010 One-way streets and alleys—Schedule IV.**
- 12.28.020 Signs to regulate direction of traffic.**
- 12.28.030 Changes of traffic direction at certain locations or during certain hours—Left-turn lanes.**

12.28.010 One-way streets and alleys—Schedule IV.

Upon those streets and parts of streets and in those alleys described in Schedule IV,* vehicular traffic shall move only in the indicated direction. (Prior code § 27-1-230)

* **Editor's Note:** Schedule IV is on file for public inspection at the offices of the metropolitan traffic and parking commission.

12.28.020 Signs to regulate direction of traffic.

Whenever any regulation of the traffic and parking commission designates any one-way street or alley, the department of public works shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. (Ord. 93-575 § 4(j), 1993; prior code § 27-1-231)

12.28.030 Changes of traffic direction at certain locations or during certain hours—Left-turn lanes.

A. The department of public works is authorized to determine and designate streets, parts of streets or specified lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The department of public works may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.

B. The department of public works is authorized to determine and designate upon a two-way roadway an additional lane in the center of the street for vehicles turning left, from both directions. Where such additional lanes have been provided by official traffic-control signs and markings, no vehicle shall turn left from any other lane. A vehicle shall not be driven in this lane for the purpose of overtaking or passing another vehicle proceeding in the same direction, and at no time farther than the next intersection.

C. It is unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section.

D. Section 12.84.020 sets out the penalty for violation of subsection C of this section. (Ord. 93-575 § 4(k), 1993; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (65), 1990; prior code § 27-1-232)

**Chapter 12.32
EQUIPMENT**

Sections:

- 12.32.010 Horns and warning devices.**
- 12.32.020 Brake equipment.**
- 12.32.030 Lighted lamps and illuminating devices required when.**
- 12.32.040 Projecting loads—Lamps or flags required when.**
- 12.32.050 Mufflers—Prevention of noise, fumes and smoke.**
- 12.32.060 Mud flaps for heavy vehicles.**
- 12.32.070 Red lights—Unauthorized use prohibited.**
- 12.32.080 Blue lights—Unauthorized use prohibited.**
- 12.32.090 Equipment and other nonmoving violations—Warning citation procedures.**

12.32.010 Horns and warning devices.

A. Every motor vehicle, when operated upon a highway, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his horn, but shall not otherwise use such horn when upon a highway.

B. No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this section.

C. It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

D. Every authorized emergency vehicle shall be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet, and of a type approved by the traffic and parking commission and/or the Tennessee Statute Annotated, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound the siren, whistle or bell, when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

E. Section 12.84.010 sets out the penalty for violation of this section. (§ 4 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; § 2 (part) of Amdt. 1 to Ord. 90-1255, 6/19/90; Ord. 90-1255 § 4 (3), 1990; prior code § 27-1-280)

12.32.020 Brake equipment.

A. It is unlawful for any person to operate a motor vehicle upon the streets, roads or thoroughfares within the metropolitan government area unless such vehicle shall be equipped with brakes maintained in good working order and adequate to control the movement of and to stop and hold such vehicle. With respect to the brake equipment required and the performance ability of such brakes, the compliance with Tennessee Code Annotated shall be in compliance with this section.

B. Section 12.84.010 sets out the penalty for violation of this section. (§ 4 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; § 2 (part) of Amdt. 1 to Ord. 90-1255, 6/19/90; Ord. 90-1255 § 4 (8), 1990; prior code § 27-1-286)

12.32.030 Lighted lamps and illuminating devices required when.

A. Every vehicle upon a highway within this metropolitan government at any time from a half-hour after sunset to a half-hour before sunrise, and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highways are not clearly discernible at a distance of one thousand feet ahead, shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles; and further, that stop lights, turn signals and other signalling devices shall be lighted as prescribed by Tennessee Statute Annotated for the use of such devices.

B. Section 12.84.010 sets out the penalty for violation of this section. (§ 4 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; § 2 (part) of Amdt. 1 to Ord. 90-1255, 6/19/90; Ord. 90-1255 § 4 (5), 1990; prior code § 27-1-282)

12.32.040 Projecting loads—Lamps or flags required when.

A. Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in Section 12.32.030, two red lamps visible from a distance of at least five hundred feet to the rear, two red reflectors visible at night from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful lower beams of headlamps, and located so as to indicate maximum width, and on each side one red lamp visible from a distance of at least five hundred feet to the side and located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four feet beyond its rear, red flags, not less than twelve inches square, marking the extremities of such load, at each point where a lamp would otherwise be required by this section or any other regulations set out in Tennessee State Code Annotated.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (76), 1990; prior code § 27-1-285)

12.32.050 Mufflers—Prevention of noise, fumes and smoke.

A. It is unlawful to operate any motor vehicle at any time unless equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass or similar device upon a vehicle on a highway, within the metropolitan government.

B. It is unlawful to operate the engine and power mechanism of every motor vehicle unless equipped and adjusted as to prevent the escape of excessive fumes or smoke.

C. Section 12.84.010 sets out the penalty for violation of this section. (§ 4 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; § 2 (part) of Amdt. 1 to Ord. 90-1255, 6/19/90; Ord. 90-1255 § 4 (4), 1990; prior code § 27-1-281)

12.32.060 Mud flaps for heavy vehicles.

A. For purposes of this section, the term “heavy vehicle” shall be defined as a vehicle the rear axle of which contains four or more wheels.

B. All heavy vehicles using the public thoroughfares of the metropolitan government shall possess mud flaps or contrivances similar in purpose thereto, for the purpose of preventing the backward propulsion of loose matter by the rear tires of such vehicles.

C. Section 12.84.010 sets out the penalty for violation of this section. (§ 4 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; § 2 (part) of Amdt. 1 to Ord. 90-1255, 6/19/90; Ord. 90-1255 § 4 (9), 1990; prior code § 27-1-287)

12.32.070 Red lights—Unauthorized use prohibited.

A. No vehicle, except emergency vehicles of fire and ambulances, or emergency repair vehicles, including hazardous materials response vehicles, shall be equipped with any light that displays a red light to the front of such vehicle.

B. Section 12.84.010 sets out the penalty for violation of this section. (Ord. 99-1777 § 2, 1999; § 4 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; § 2 (part) of Amdt. 1 to Ord. 90-1255, 6/19/90; Ord. 90-1255 § 4 (6), 1990; prior code § 27-1-283)

12.32.080 Blue lights—Unauthorized use prohibited.

A. No vehicle, except vehicles of the metropolitan police department or highway patrol vehicles, shall be equipped with any light that displays a blue light to the front of such vehicle.

B. Section 12.84.010 sets out the penalty for violation of this section. (§ 4 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; § 2 (part) of Amdt. 1 to 90-1255, 6/19/90; Ord. 90-1255 § 4 (7), 1990; prior code § 27-1-284)

12.32.090 Equipment and other nonmoving violations—Warning citation procedures.

A. The metropolitan police department is authorized to issue warning citations for the following offenses: head-

lights, taillights, turn signals, parking lights, horns, mufflers, height of bumpers, registration violations, metro sticker violations, operator or chauffeur license not in licensee's possession when operating a motor vehicle, and incorrect address on operator or chauffeur license. All citations issued for the above-stated violations shall become warrants only if the violation is not corrected at least three days prior to the court date as set forth on the warning citation.

B. The circuit court clerk is authorized to establish a nullification office in the traffic violations bureau in the Ben West Building. Violators can appear at the nullification office and present proof that the defect has been corrected at least three days prior to the court date as set forth on the warning citations. If the defect has been corrected, the warning citation shall be withdrawn. If the violator does not appear at the nullification office by at least three days prior to the court date and does not appear at the appointed date and time in court, a warrant shall be issued for the arrest of the violator. (Ord. 93-729 § 1, 1993; Ord. 88-623 § 1, 1989; prior code § 27-1-288)

Chapter 12.36

SIZE, WEIGHT AND LOAD RESTRICTIONS

Sections:

12.36.010	Application of chapter provisions—Exceptions.
12.36.020	Width of vehicles.
12.36.030	Loads projecting from passenger vehicles.
12.36.040	Height and length of vehicles and loads.
12.36.050	Special load limits—Pole trailers and structural materials.
12.36.060	Spilling or dropping of loads—Preventive measures required.
12.36.070	Gross weight per axle of vehicles and loads.
12.36.080	Permits for excess size and weight.
12.36.090	Restricted use of highways authorized when.
12.36.100	Heavily traveled streets—Nonmotorized and other vehicle restrictions.
12.36.110	Load restrictions—Schedule X.
12.36.120	Liability for damage to highways or structures.

12.36.010 Application of chapter provisions—Exceptions.

A. It is a misdemeanor for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in Tennessee State Statute Annotated.

B. The provisions of this title governing size, weight and load shall not apply to fire apparatus, road machinery, or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided.

C. Section 12.84.020 sets out the penalty for violation of subsection A of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (66), 1990; prior code § 27-1-260)

12.36.020 Width of vehicles.

A. The total outside width of any vehicle or the load thereon shall not exceed eight feet, except as otherwise provided in this section.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (67), 1990; prior code § 27-1-261)

12.36.030 Loads projecting from passenger vehicles.

A. No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the left side of such vehicle nor extending more than six inches beyond the right side thereof.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (68), 1990; prior code § 27-1-262)

12.36.040 Height and length of vehicles and loads.

A. No vehicle, including any load thereon, shall exceed a height of thirteen feet six inches.

B. No vehicle, including any load thereon and bumpers, shall exceed a length of forty feet extreme overall dimensions. This limit shall not apply to air-conditioning or refrigeration equipment mounted on the front of a trailer or semi-trailer.

C. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (69), 1990; prior code § 27-1-263)

12.36.050 Special load limits—Pole trailers and structural materials.

A. Subject to the foregoing provisions of this chapter limiting the length of vehicles and loads, the load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend more than three feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than six feet beyond the rear of the bed or body of such vehicle.

B. The limitations as to length of vehicles and loads heretofore stated in Section 12.36.040 and subsection A of this section shall not apply to any load upon a pole trailer when transporting poles or pipes or structural material which cannot be dismembered, provided that no pole or pipe or other material exceeding eighty feet in length shall be so transported unless a permit has first been obtained as authorized in Section 12.36.080.

C. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (70), 1990; prior code § 27-1-264)

12.36.060 Spilling or dropping of loads—Preventive measures required.

A. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting or leaking, or otherwise escaping therefrom; provided, that this section shall not prohibit the necessary spreading of any substance in highway maintenance or construction operations.

B. No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

C. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (71), 1990; prior code § 27-1-265)

12.36.070 Gross weight per axle of vehicles and loads.

A. Subject to the limit upon the weight imposed upon the highway through any one axle as set forth in the Tennessee State Statute Annotated, the total gross weight with load imposed upon the highway by any one group of two or more consecutive axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the

group of axles, measured longitudinally to the nearest foot as set forth in Tennessee State Statute Annotated.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (72), 1990; prior code § 27-1-266)

12.36.080 Permits for excess size and weight.

A. The department of public works will issue a special permit in writing at the direction of the traffic and parking commission authorizing the applicant to operate or move a vehicle or combination of vehicles of a size and weight of vehicle or load exceeding the maximum specified in this title or otherwise not in conformity with the provisions of this regulation upon any highway under the jurisdiction of the traffic and parking commission.

B. The application for any such permit shall specifically describe in writing the vehicle or vehicles and load to be operated or moved and the particular highways for which the permit to operate is requested.

C. The department of public works shall issue or withhold such permit at its discretion, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to protect the safety of highway users, or to protect the efficient movement of traffic from unreasonable interference, or to protect the highways from undue damage to the road foundations, surfaces or structures.

D. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of the traffic and parking commission, and no person shall violate any of the terms or conditions of such special permit.

E. Section 12.84.020 sets out the penalty for violation of subsection D of this section. (Ord. 93-575 § 4(1), 1993; p§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (73), 1990; prior code § 27-1-269)

12.36.090 Restricted use of highways authorized when.

A. The traffic and parking commission may by resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the gross weight of vehicles to be operated upon any such highway.

B. The traffic and parking commission shall cause to be erected and maintained signs designating the provisions of the resolution at each end of that portion of the highway affected thereby, and the resolution shall not be effective unless and until such signs are erected and maintained.

C. The traffic and parking commission may also, by resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight or size thereof, on certain highways designated by appropriate signs placed on such highways. (Prior code § 27-1-267)

**12.36.100 Heavily traveled streets—
Nonmotorized and other vehicle
restrictions.**

A. The department of public works is authorized to determine and designate those heavily traveled streets upon which shall be prohibited the use of the roadway by motor-driven cycles, bicycles, horse-drawn vehicles or other nonmotorized traffic, and shall erect appropriate signs giving notice thereof.

B. When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

C. Section 12.84.020 sets out the penalty for violation of subsection B of this section. (Ord. 93-575 § 4(m), 1993; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (75), 1990; prior code § 27-1-271)

12.36.110 Load restrictions—Schedule X.

A. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified at any time upon any of the streets or parts of streets described in Schedule X* attached to and made a part of this regulation, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

B. No person shall operate any vehicle with a gross weight in excess of five thousand pounds at any time on the 1900 block of Hutton Drive or on Woodycrest Avenue between its intersection with Hutton Drive and Interstate Drive, except that such vehicles may be operated thereon for the purpose of delivering and picking up materials and merchandise to residences on said streets.

C. Section 12.84.020 sets out the penalty for violation of this section. (Amdt. 1 to Ord. 94-1174, 11/15/94; Ord. 94-1174 § 1, 1994; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (74), 1990; prior code § 27-1-270)

* **Editor's Note:** Schedule X is on file for public inspection at the offices of the metropolitan traffic and parking commission.

**12.36.120 Liability for damage to highways or
structures.**

A. Any person driving any vehicle, object or contrivance upon any highway or highway structure shall be liable for all damage which the highway or highway structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object or contrivance, or as a result of operating, driving or moving any vehicle, object or contrivance weighing in excess of the maximum weight in this regulation but authorized by a special permit issued as provided in this chapter.

B. Whenever such driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving the same with the express or implied permission of the owner, then said owner and driver shall be jointly and severally liable for any such damage.

C. Such damage may be recovered in a civil action brought by metropolitan Nashville-Davidson County. (Prior code § 27-1-268)

**Chapter 12.40
PARKING***

Sections:

12.40.010	Application of chapter provisions.
12.40.020	Sign requirements.
12.40.030	Method of parking.
12.40.040	Stopping, standing or parking— Prohibited locations.
12.40.050	One-way roadways—Standing and parking restrictions.
12.40.060	Alley parking.
12.40.070	Parking on narrow streets.
12.40.080	Parking not to obstruct traffic.
12.40.090	Handicapped parking spaces.
12.40.100	Parking near schools.
12.40.110	Stopping, standing or parking near hazardous or congested places.
12.40.120	Parking with left side of vehicle to curb.
12.40.130	Blocking driveways or garages.
12.40.140	Parking—Use of streets by parking lot attendants prohibited.
12.40.150	Parking for sale or repair purposes unlawful.
12.40.170	Trucks—parking restrictions and maneuvering for parking.
12.40.180	Trucks—Parking between six p.m. and six a.m.

- 12.40.190 Night parking restrictions—Tank trucks, school buses and certain other vehicles.**
- 12.40.200 Unattended motor vehicles—Required procedures.**
- 12.40.210 Illegal parking—Owner prima facie responsibility.**
- 12.40.220 Removal of vehicles authorized when.**
- 12.40.230 Chapter provisions not exclusive.**

* **Editor's Note:** Schedule VII, referred to in Sections 12.40.030, 12.40.040, 12.40.160, 12.40.170, 12.40.220 and 12.40.230 of this chapter, is on file for public inspection at the offices of the metropolitan traffic and parking commission.

12.40.010 Application of chapter provisions.

The provisions of this chapter prohibiting the standing or parking of a vehicle shall apply at all times, or at the times herein specified, or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic, or in compliance with the directions of a police officer or traffic-control device. (Prior code § 27-1-158)

12.40.020 Sign requirements.

Whenever by this or any other regulation of the traffic and parking commission, any parking time is imposed or parking is prohibited on designated streets, it shall be the duty of the department of public works to erect appropriate signs giving notice thereof, and no such regulations shall be effective unless such signs are erected and in place at the time of any alleged offense. (Ord. 93-575 § 4(n), 1993; prior code § 27-1-160)

12.40.030 Method of parking.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle within eighteen inches of the edge of the roadway, except as provided in the following subsections:

A. Upon those streets which have been officially marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs, and no vehicle shall occupy more than one parking stall or position when plainly marked;

B. Angle parking shall be permitted in suburban business districts within the jurisdiction of metropolitan government where ramps have been constructed in front of or adjacent to store buildings under plans and specifications approved by the traffic and parking commission, but in no case shall any vehicle project into the street from the nor-

mal curbline produced. Angle parking is permitted in the location described and designated in Schedule VII. (Ord. 90-1339 § 1 (27-7), 1990; prior code § 27-1-144)

12.40.040 Stopping, standing or parking—Prohibited locations.

A. Except when necessary to avoid conflict with other traffic, or in compliance with regulation of the directions of a police officer or official traffic-control device, no person shall:

1. Stop, stand or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street,
 - b. On a sidewalk; however, a bicycle may be parked on a sidewalk unless otherwise posted if it does not impede the normal and reasonable movement of pedestrians or other traffic. Any vehicle in violation of this provision shall be towed and the owner or operator shall be responsible for the payment of the towing charges,
 - c. Within an intersection,
 - d. On a crosswalk,
 - e. Between a safety zone and the adjacent curb, or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings,
 - f. Alongside or opposite any street excavation or obstruction, when stopping, standing or parking would obstruct traffic,
 - g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel,
 - h. On any railroad tracks,
 - i. At any place where official signs prohibit stopping, standing or parking;
2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - a. In front of a public or private driveway,
 - b. Within fifteen feet of a fire hydrant,
 - c. Within thirty feet of a crosswalk at an intersection,
 - d. Within thirty feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway,
 - e. Within twenty-five feet of the driveway to fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of such entrance, when properly signposted,
 - f. At any place where official signs prohibit standing,
 - g. On any controlled-access highway,
 - h. In the area between roadways of a divided highway, including crossovers,
 - i. In front of any postal mail drop or box,

j. In any area designated “Residential Permit Parking Only” except for allowable time limit parking provided for vehicles without a residential parking permit;

3. Park a vehicle, whether occupied or not, except temporarily, for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

a. Within fifty feet of the nearest rail of a railroad crossing,

b. At any place where official signs prohibit parking.

B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful, as set out in Schedule VII.

C. The owner of any personal property or motor vehicle found in violation of subsection (A)(1)(e) of this section shall be subject to a fine in the amount of twenty-five dollars for the first offense and fifty dollars for the second subsequent offense, which shall be assessed by the issuance of a parking citation.

D. The parking of abandoned motor vehicles shall be controlled pursuant to Sections 12.08.210 through 12.08.220. (Ord. 99-1590 § 10, 1999; Ord. 93-620 § 3, 1994; Ord. 93-562 § 13, 1993; Ord. 89-986 § 1, 1989; prior code § 27-1-145)

12.40.050 One-way roadways—Standing and parking restrictions.

In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The department of public works is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway, and to erect signs giving notice thereof. (Ord. 93-575 § 4(o), 1993; prior code § 27-1-157)

12.40.060 Alley parking.

No person shall park within an alley except for the expeditious loading or unloading of materials. (Prior code § 27-1-147)

12.40.070 Parking on narrow streets.

A. The department of public works is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty feet.

B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any

such sign. (Ord. 93-575 § 4(p), 1993; prior code § 27-1-156)

12.40.080 Parking not to obstruct traffic.

No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than twelve feet of the width of the roadway for free movement of vehicular traffic. (Prior code § 27-1-146)

12.40.090 Handicapped parking spaces.

A. Definitions. For the purposes of this section:

1. “Handicapped” means those people who are mobility-limited, unable to move about freely without restrictions.

2. “Properly identified parking space” means a parking space with a sign carrying the handicapped designation visible to a motorist driving a motor vehicle.

3. “Properly identified vehicle” means a vehicle bearing any of the following: a handicapped symbol or special state-issued limited-use permit prominently displayed on the windshield, or a license plate issued to disabled veterans or handicapped persons.

B. Unlawful Activities—Removal of Vehicles. The parking, stopping or standing of any personal property, including motor vehicles not properly identified as being used by a handicapped person, or any other means of obstructing handicapped parking spaces on private and public property shall be prohibited at all times pursuant to the inherent and statutory powers of the metropolitan government of Nashville and Davidson County to preserve the health, welfare and safety of its citizens. Any vehicle or other personal property found to be parked or standing in a handicapped parking space not identified as being used by a handicapped person shall, with the consent of the owner, lessee or other person in possession or control of the real estate where such a handicapped parking space has been established, be towed away or removed upon the request of any law enforcement officer after the vehicle has been cited by metropolitan police and adequate time has been given the owner to remove the vehicle. The owner of such personal property shall be responsible for all tow-in charges and resulting storage charges, if any. The sign designating a handicapped parking place shall be permanently placed at least five feet above grade. If the sign is not permanently displayed, no citation shall be issued for violation thereof.

C. Violation—Penalty. The owner of any personal property or motor vehicle found in violation of this section shall be subject to a fine in the amount of fifty dollars for the first offense and one hundred dollars for the second and subsequent offenses, which shall be assessed by the issuance of a parking citation.

D. Signs. All signs posted after January 1, 1989, on public or private properties to designate handicapped parking shall contain the words "Unauthorized parking is punishable by a fine up to \$100.00."

E. Enforcement. The provisions of Tennessee Code Annotated Section 55-21-108 shall be enforced within the area of the metropolitan government, whether violations occur on public or private property. (Ord. 95-1360 § 1, 1995; Amdt. 1 to Ord. 89-1069, 2/6/90; Ord. 89-1069 § 2, 1990; prior code § 27-1-157.5)

12.40.100 Parking near schools.

A. The department of public works is authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place. (Ord. 93-575 § 4(q), 1993; prior code § 27-1-155)

12.40.110 Stopping, standing or parking near hazardous or congested places.

A. The department of public works is authorized to determine and designate by proper signs places, not exceeding one hundred feet in length, in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place. (Ord. 93-575 § 4(r), 1993; prior code § 27-1-150)

12.40.120 Parking with left side of vehicle to curb.

No vehicle shall stop, stand or park with its left side to the curb, except on one-way streets. (Prior code § 27-1-151)

12.40.130 Blocking driveways or garages.

No person shall stop, stand or park any vehicle in such a manner as to block or impede ingress or egress from any public or private driveway or garage. (Prior code § 27-1-152)

12.40.140 Parking—Use of streets by parking lot attendants prohibited.

It is unlawful for any person who owns, operates, manages or works at a parking lot or garage to park, cause or

authorize to be parked on any street or alley within the jurisdiction of the metropolitan government any automobile or other motor vehicle for which a parking or storage fee is charged. (Prior code § 27-1-142)

12.40.150 Parking for sale or repair purposes unlawful.

No person shall park a vehicle upon the roadway for the principal purpose of:

A. Displaying such a vehicle for sale;

B. Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency. (Prior code § 27-1-148)

12.40.170 Trucks—Parking restrictions and maneuvering for parking.

A. No operator of any truck or tractor-semi-trailer shall maneuver into or across traffic lanes or interfere with or obstruct the movement of traffic in such lanes in order to park such vehicles on any of the streets designated in Schedule VII of the regulations of the traffic and parking commission during the hours indicated in such schedule.

B. No operator shall stand any vehicle or motor vehicle for any purpose whatsoever so that any portion of such vehicle shall extend a greater distance from the nearest curb of such street or roadway than would a similar vehicle lawfully parked at the same location during the hours indicated and on the streets designated in such Schedule VII. (Prior code § 27-1-141)

12.40.180 Trucks—Parking between six p.m. and six a.m.

The parking of trucks or motor vehicles of more than eighteen thousand pounds gross weight, or of trailers or semi-trailers, whether or not attached to tractors, is prohibited on any of the streets within the jurisdiction of the metropolitan government from six p.m. to six a.m., except that this section shall not apply to trucks, trailers or semi-trailers so parked while actually engaged in loading or unloading, or when the driver is in attendance with the truck. (Prior code § 27-1-153)

12.40.190 Night parking restrictions—Tank trucks, school buses and certain other vehicles.

A. It is unlawful for any person owning or operating a tank truck or any other self-propelled vehicle used for the purpose of transporting more than fifty gallons of gasoline, kerosene, benzol, naphtha or other volatile liquids, to leave such vehicle parked on any of the streets or alleys within the jurisdiction of the metropolitan government during the

hours between sunset and sunrise, regardless of whether such vehicle is loaded or empty.

B. It is unlawful for any person owning or operating a school bus, a recreational vehicle with a length in excess of twenty-four feet, any recreational vehicle with a combined length in excess of twenty-four feet, or a dump truck of more than fifty-four thousand pounds of gross weight, including the load therein, to leave such vehicle parked on any of the streets or alleys within the jurisdiction of the metropolitan government during the hours between sunset and sunrise, regardless of whether such vehicle is loaded or empty. (Prior code § 27-1-154)

**12.40.200 Unattended motor vehicles—
Required procedures.**

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any grade, turning the front wheel to the curb or side of the highway. (Prior code § 27-1-140)

**12.40.210 Illegal parking—Owner prima facie
responsibility.**

In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the citation or warrant was parked in violation of any such law or regulation, together with proof that the defendant named in the citation or warrant was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle is responsible for such violation, whether such violation is committed by the registered owner's bailee, lessee or customer. (Prior code § 27-1-143)

12.40.220 Removal of vehicles authorized when.

Whenever any police officer finds a vehicle in violation of any of the parking regulations set out in Schedule VII, such officer is authorized to move such vehicle, or require the driver or other person in charge of the vehicle, if present, to move the same to a position off the roadway. (Prior code § 27-1-161)

12.40.230 Chapter provisions not exclusive.

The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times, as shown in Schedule VII. (Prior code § 27-1-159)

**Chapter 12.41
VALET SERVICES**

Sections:

12.41.010	Definitions.
12.41.020	Permit required.
12.41.030	Conditions of valet parking permits.
12.41.040	Valet parking operations and fees.
12.41.050	Employees.
12.41.060	Designation of space for service.
12.41.070	Enforcement.

12.41.010 Definitions.

As used in this chapter:

“Permit” or “valet parking permit” means the permit issued by the department of public works allowing a person to conduct a valet service.

“Valet parking,” “valet parking operation,” “valet operation” or “valet service” means the process by which patron’s vehicles are removed from designated spaces on the public street to private parking areas for storage and subsequent retrieval upon patron’s demand.

“Valet parking operator,” “valet operator,” or “operator” means the person, business or entity engaged in valet parking. (Ord. 96-529 § 1 (part), 1997)

12.41.020 Permit required.

The metropolitan government of Nashville and Davidson County, through the metropolitan department of public works, shall issue parking permits to valet parking operators to conduct their operations on public streets as a commercial enterprise or in furtherance of a commercial enterprise. No valet parking shall occur on public streets without the operator securing a valet parking permit from the department of public works, except that parties conducting or offering valet parking services on a short-term, infrequent and/or occasional basis in connection with private parties or special events shall not be required to obtain a permit. A separate permit is required for each location where valet parking services are provided. Operators engaged in valet parking under contract or otherwise on behalf of others, except as excepted above, shall be required to obtain a separate permit. Permits will be issued only for locations where valet parking would not be detrimental to the public safety, health and welfare of the inhabitants of Nashville and Davidson County and only after approval of the traffic and parking commission (hereinafter “commission”). (Ord. 96-529 § 1 (part), 1997)

12.41.030 Conditions of valet parking permits.

A. Hold Harmless. Each valet parking operator applying for a permit for use of public property shall execute an agreement approved by the metropolitan development of law providing for the valet operator to indemnify, hold harmless, and defend the metropolitan government, its officers, agents and employees against, and assume all liability for, any and all claims, suits, actions, damages, liabilities, expenditures, or causes of actions of any kind arising from its use of the public streets for the purposes authorized in this section and resulting or accruing from any alleged negligence, act, omission or error of the valet parking operation, its agents or employees and/or arising from the failure of the valet parking operation, its agents or employees, to comply with each and every requirement of this section or with any other ordinance of the metropolitan government applicable to the valet parking operation resulting in or relating to bodily injury, loss of life or limb or damage to property sustained by any person, firm, corporation, or other business entity. The valet parking operator shall agree to save the metropolitan government, its officers, agents and employees harmless from and against all judgments, orders, decrees, attorneys' fees, costs, expenses and liabilities incurred in and about any such claim, investigation or defense thereof, which may be entered, incurred or assessed as a result of the foregoing. The valet parking operator shall defend, at its sole cost and expense, any legal action, claim or proceeding instituted by any person against the metropolitan government, its officers, agents and employees as a result of any claim, suit or cause of action accruing from activities authorized by this chapter for injuries to body, limb or property as set forth in this subsection.

B. Term. The term of each permit shall be for one year. Renewal shall be on an annual basis and shall be granted after confirmation of extension of all applicable permit requirements established in this chapter and payment of applicable fees.

C. Cancellation. A valet parking permit may be canceled by the commission under the following circumstances:

1. The commission determines that parking spaces permitted for valet parking are no longer being used for the purpose of valet parking or are otherwise abandoned. Valet parking spaces are considered abandoned if they are not utilized for valet parking for a continuous period of thirty days;

2. The commission determines that the valet operation is creating a hazardous traffic condition and/or serious disruption of traffic flow or is otherwise inimical to the public health, safety and welfare;

3. Parking is no longer permitted in the area where valet service is provided;

4. The valet parking operator four times fails to comply with the rules and regulations established by the commission and/or the provisions of this chapter or otherwise creates a situation that is inimical to the public health, safety and welfare.

D. Cancellation pursuant to subparagraph (C)(4) of this section shall preclude the valet parking operator, a general partner, or immediate family member of the operator from being issued a valet parking permit for any location for a period of one year if the operator whose license has been canceled has any participation in the operation, management and/or maintenance of the valet parking operation(s) for which the permit application is being made.

E. When a permit is canceled by the commission pursuant to subsection C of this section the commission shall immediately provide the permit holder written notice by certified mail of the cancellation and the reasons for the cancellation. (Ord. 96-529 § 1 (part), 1997)

12.41.040 Valet parking operations and fees.

A. The commission shall allow valet parking operators to utilize designated on-street parking spaces for customers dropping off or retrieving a vehicle from valet employees. Valet parking operations are permitted between eleven a.m. and two p.m. and between six p.m. and six a.m. only; provided however, hotels shall be permitted twenty-four-hour valet parking. Valet parking may be allowed for additional hours upon a showing that additional hours would not impede the flow of traffic or otherwise be inimical to the public health, safety and welfare, subject to rules and regulations as adopted by the commission, which rules and regulations shall provide for special occasion or special event valet parking.

B. The commission shall provide to the valet operator two parking spaces for a valet operation. The spaces shall be located in front of the establishment being serviced. Additional spaces may be provided at the discretion of the traffic and parking commission. Valet parking operators may be required to share parking spaces provided the commission determines that such an arrangement is necessary for the public health, safety and welfare.

C. The fee for a valet parking permit shall be fifty dollars, plus revenue lost annually for each required metered space as measured by the hourly rate for each metered space. All fees are payable in advance.

D. All permit fees will be deposited into the general fund of the metropolitan government.

E. The granting of a valet parking permit in no way provides a vested right or property interest in any parking space, and valet parking spaces may be removed at any

time and/or valet parking privileges revoked in the interest of the public health, welfare and safety. Valet parking permits and privileges may not be transferred.

F. The permit holders are responsible for reimbursing the metropolitan government for the cost of installing any signs, notices or warnings deemed necessary for the establishment of valet parking operations. Permit holders will be billed for any required installation by the department of public works. (Ord. 96-529 § 1 (part), 1997)

12.41.050 Employees.

The valet parking operator shall require all employees who operate motor vehicles to have in their possession at the time of such operation a valid Tennessee drivers license. (Ord. 96-529 § 1 (part), 1997)

12.41.060 Designation of space for service.

A. Valet spaces shall be designated by the commission. The designation shall be by clearly marked signs indicating the time of valet parking and marked as a "Tow-Away zone."

B. Valet service shall be operated entirely within the confines of the spaces provided for valet use. There shall be no storage of vehicles in the area used for ingress and egress of passengers in the valet area. A vehicle will be considered stored if it remains in the valet area for more than ten minutes whether occupied or not. Valet service on public property shall not be provided in any location other than in the area designated. (Ord. 96-529 § 1 (part), 1997)

12.41.070 Enforcement.

A. Violators shall be fined for failure to conduct valet service in the manner prescribed by this chapter. All fines shall be assessed by the issuance of a parking citation. Violators shall be fined as follows:

1. Fines.
 - a. First offense \$ 50
 - b. Second offense (within one year of the first offense) 250
 - c. Third offense (within one year of the first offense) 500
 - d. Fourth offense and all subsequent offenses 500
 - e. The fine of operating a valet parking area on public property without a permit issued by the commission shall be one hundred dollars per day for each day it is established that the operation existed.
2. All fines paid pursuant to this section will be deposited into the general fund of the metropolitan government.

B. Valet parking operators shall pay all fines and fees, including towing charges, arising in connection with a

patron's vehicle which is in the possession of the valet parking operator at the time such fine, fee or charge is incurred. This does not preclude the valet parking operator from also being cited for violations of this chapter which resulted in the imposition of the fines and fees. (Ord. 96-529 § 1 (part), 1997)

Chapter 12.42 PERMIT PARKING PROGRAMS

Sections:

Article I. Residential Permit Parking Program

- | | |
|------------------|--|
| 12.42.010 | Definitions |
| 12.42.020 | Residential permit parking areas authorized. |
| 12.42.030 | Residential permit parking areas—Eligibility requirements. |
| 12.42.040 | Procedures to be used in designation or withdrawing designations of residential permit parking areas. |
| 12.42.050 | Implementation. |
| 12.42.060 | Residential parking permit. |
| 12.42.070 | Exemption from residential permit parking area. |
| 12.42.080 | Residential parking permit fee. |
| 12.42.090 | Residential permit parking visitor's permit. |
| 12.42.100 | Misrepresentation by applicant for permit—Illegal use of permits. |
| 12.42.110 | Penalties. |
| 12.42.115 | University area residential lots eligible for individual residential permit parking. |

Article II. Downtown Area Residential Permit Parking Program

- | | |
|------------------|--|
| 12.42.120 | Definitions. |
| 12.42.130 | Downtown area permit parking authorized. |
| 12.42.140 | Implementation. |
| 12.42.150 | Downtown area residential parking permit. |
| 12.42.160 | Downtown area residential parking permit fee. |
| 12.42.170 | Visitor's permit. |
| 12.42.180 | Misrepresentation by applicant for permit—Illegal use of permits. |
| 12.42.190 | Penalties. |

Article I. Residential Permit Parking Program

12.42.010 Definitions

As used in this article, the following words, terms and phrases shall have the meaning ascribed to them in this section, except when the context clearly indicates a different meaning:

“Motor vehicles” means an automobile, truck, motorcycle or other motor-driven form of transportation.

“Person” means a natural person.

“Primarily residential” means fifty percent of the ground level space is residential.

“Residential area” means a contiguous or nearly contiguous area containing public streets and highways or parts thereof where residents dwell.

“Resident motor vehicle” means a Davidson County registered motor vehicle owned or leased by a resident of the residential permit parking area.

“Residential permit parking areas (RPP)” means a residential area designated as herein provided where resident motor vehicles displaying a valid permit as described herein shall be exempt from parking time restrictions established pursuant to this article. (Ord. 99-1590 § 1, 1999; Ord. 93-562 § 1, 1993)

12.42.020 Residential permit parking areas authorized.

The chief traffic engineer is authorized to restrict by order, subject to approval by the traffic and parking commission as hereinafter provided, parking on public streets in a residential area to vehicles bearing a valid parking permit issued pursuant to this article. This authority shall be in addition to, and may be exercised in conjunction with, any other authority the chief traffic engineer may have to regulate the times and conditions of parking. (Ord. 99-1590 § 2, 1999; Ord. 93-562 § 2, 1993)

12.42.030 Residential permit parking areas—Eligibility requirements.

In determining whether an area identified as eligible for residential permit parking shall be designated as a residential permit parking area, the chief traffic engineer shall take into consideration the following factors:

A. The extent of the desire and need of the residents for residential permit parking and their willingness to bear the administrative costs in connection therewith;

B. Proximity of the neighborhood to major “parking attractors” including employments centers, retail stores, restaurants, universities, hospitals, and tourist attractions;

C. Scarcity of convenient off-street parking for residents;

D. The extent to which motor vehicles registered to persons residing in the residential area cannot be accom-

modated by the number of available off-street parking spaces;

E. Substantial use of neighborhood curb space by commuters and other nonresidents for parking;

F. Traffic, noise and safety problems caused by vehicles cruising for parking. (Ord. 99-1590 § 3, 1999; Ord. 93-562 § 3, 1993)

12.42.040 Procedures to be used in designation or withdrawing designations of residential permit parking areas.

A. A petition, requesting permit parking (RPP) area, shall be submitted to the councilmember representing the council district in which the RPP area is located. The petition must be signed by seventy-five percent of the residents within the geographic limits as stated in the petition.

NOTE: A resident is any person living in the proposed permit parking area with a valid Tennessee driver’s license showing an address within the proposed RPP area, who owns or leases a motor vehicle, or drives an assigned business vehicle. All motor vehicles must have current Tennessee registration showing the proper address. Residents who are legally handicapped and persons over sixty years old who do not drive may also sign a petition. Proof of residency will be required for these persons.

1. The petition shall include the following information:

a. Each petitioner’s name (signature and printed), Tennessee driver’s license number, and vehicle license number. Legally handicapped and those over sixty years of age who do not drive should include proof of residency.

b. The time of day that resident permits will be required. Example: seven a.m. to five p.m., twenty-four hours, etc.

c. Clear description of the geographic limits of the area(s) requested.

d. If desired, a maximum time limit that nonpermit holders (visitors, family members, etc.) could legally park. Example: two hours, four hours, etc.

B. The councilmember shall then submit the petition, with a written recommendation, to the chief traffic engineer for review by staff of the traffic and parking commission.

C. The chief traffic engineer shall recommend, by report to the traffic and parking commission, whether to designate the area under consideration as a RPP area, specifying the time or limitations recommended and proposed fees, or whether to remove the designation in the case of an established RPP area. The traffic and parking commission shall approve or disapprove the recommendation of the chief traffic engineer.

D. All RPP areas approved by the traffic and parking commission shall become part of Schedule VII of the Traffic and Parking Code of the traffic and parking commission of the metropolitan government of Nashville and Davidson County. (Amdt. 1 with Ord. 99-1590 § 4, 1999; Ord. 93-562 § 4, 1993)

12.42.050 Implementation.

A. Once a residential permit parking area has been approved by the traffic and parking commission, the chief traffic engineer or his designee shall install parking signs on the streets designated as a residential permit parking area. The signs shall indicate the times under which parking shall be by permit only.

B. A permit shall be issued for a designated residential permit parking area upon application and payment of the applicable fee by a person eligible for such permit. A person is eligible to apply for a residential parking permit if he owns or operates a motor vehicle and resides on property immediately adjacent to a street, avenue, or other location selected for implementation within the residential permit parking area. Proof of residency in the residential permit parking area designated for implementation must be presented at the time application is made.

C. The application for a permit shall contain the name of the owner or operator of the motor vehicle; residential address; the make, model, color, registration and license plate numbers of the motor vehicle; and the number of the drivers' license of the applicant. The motor vehicle registration and the driver's license of the applicant must be presented at the time of making said application in order to verify the contents thereof. The owner or operator of any motor vehicle applying for a residential parking permit shall have a valid Tennessee motor vehicle license plate; provided, if said applicant is enrolled as full-time student in a college or university within the area of the metropolitan government, then said applicant shall have a valid motor vehicle license plate issued by any state and proof of enrollment at such college or university. The motor vehicle registration must show the applicant's present address; provided, if the applicant is a full-time student, then said applicant must provide satisfactory proof of residence in the RPP area.

D. The permit shall be renewed annually upon such conditions and procedures and the chief traffic engineer shall specify. The permit shall display the motor vehicle license plate number. (Ord. 99-1590 § 5, 1999; Ord. 93-562 § 5, 1993)

12.42.060 Residential parking permit.

A. The holder of a residential parking permit shall be permitted to stand or park a motor vehicle for which a

permit has been issued, in the residential permit parking area designated on the permit without being subject to the limitations imposed on vehicles lacking the permit, provided however, that parking is permitted. While a motor vehicle for which a residential parking permit has been issued is so parked, such permit shall be displayed on the extreme left hand corner of the dashboard (driver's side) so as to be clearly visible and able to be easily read through the windshield of the vehicle.

B. A residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in such places or during such times as the stopping, standing, or parking of motor vehicles is prohibited or set aside for specified types of vehicles, and shall not exempt the holder from the observance of any traffic regulation other than the parking limit.

C. A residential parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking area. (Ord. 99-1590 § 6, 1999; Ord. 93-562 § 6, 1993)

12.42.070 Exemption from residential permit parking area.

Service vehicles parking in residential parking areas while making service calls to residential dwellings within the area one shall be exempt from the posted time limits. Such service vehicles shall display in the windshield on the driver's side of the vehicle a work slip showing the name and address of the residence being serviced. (Ord. 99-1590 § 7, 1999; Ord. 93-562 § 8, 1993)

12.42.080 Residential parking permit fee.

The traffic and parking commission is authorized to establish by order an annual residential permit parking fee for each residential parking area to cover the administrative costs for the residential parking permit issued pursuant to this article. The permit fee must be approved by ordinance duly adopted by the metropolitan county council. An annual fee of ten dollars is approved. Upon presentation of adequate proof, persons sixty-five years of age or older who otherwise qualify for the permit shall be exempt from paying the permit fee. (Ord. 99-1590 § 8, 1999; Amdt. 1 to Ord. 93-562, 3/16/93; Ord. 93-562 § 9, 1993)

12.42.090 Residential permit parking visitor's permit.

In a residential permit parking area where parking spaces for visitors are not set aside on-street, the holder of a residential parking permit may apply for a visitor's permit which shall be valid for fourteen days and shall be renewable but not transferable. The application shall identify the guest, his address, and the vehicle's make, model,

and license number. The application shall also show the permit number and the address of the host, and shall be signed by the permit holder host. Permits for visitors shall be issued upon application unless the chief traffic engineer determines that adequate space is not available within that area. No permit holder shall be issued more than three visitors permits at any given time. (Ord. 99-1590 § 9, 1999; Ord. 93-562 § 10, 1993)

12.42.100 Misrepresentation by applicant for permit—Illegal use of permits.

A. It shall constitute a violation of this article for any person to falsely represent himself as eligible for a residential parking permit or to furnish any false information in an application to the chief traffic engineer in order to obtain a residential parking permit.

B. No person other than the permittee named thereon shall use a residential parking permit or display it on a vehicle operated or parked, and any such use or display by a person other than the permittee shall constitute a violation of this section by the permittee shall constitute a violation of this section by the permittee and by the person who so used or displayed such parking permit. (Ord. 93-562 § 11, 1993)

12.42.110 Penalties.

The chief traffic engineer is authorized to revoke the residential parking permit of any permittee found to be in violation of the provisions of this article and upon written notification thereof the permittee shall surrender such permit to the traffic and parking commission. (Ord. 93-562 § 12(A), 1993)

12.42.115 University area residential lots eligible for individual residential permit parking.

A. For purposes of this section, a university or college is defined as any scholastic institution in which a student is, at a minimum eligible to receive a bachelor degree in science or art after completion of a multi-year curriculum.

B. For purposes of this section, “university area residential lot” means any lot within the area of the metropolitan government that has an erected and occupied single-family residence that is within six hundred feet of a public or private university or college.

C. Notwithstanding any other provision contained in this article to the contrary, a university area residential lot shall be eligible for individual residential permit parking as set forth in this Article. The area to be eligible for residential parking shall be reduced to not less than 250 feet of frontage.

D. Except as otherwise provided in this section, all other requirements and provisions of this article shall apply to university area residential lots seeking residential permit parking. (Amdt. 1 with Ord. BL2003-1387 § 1, 2003)

Article II. Downtown Area Residential Permit Parking Program

12.42.120 Definitions.

As used in this article, the following words, terms and phrases shall have the meaning ascribed to them in this section, except when the context clearly indicates a different meaning:

“Downtown area” means that area of the metropolitan government as described by boundaries as provided in Section 10.20.390.

“Motor vehicles” means an automobile, truck, motorcycle or other motor-driven form of transportation.

“Person” means a natural person.

“Resident motor vehicle” means a Davidson County registered motor vehicle owned or leased by a resident of the residential permit parking area. (Ord. 93-584 § 1, 1993)

12.42.130 Downtown area permit parking authorized.

The traffic and parking commission is authorized to provide for the parking on public streets in the downtown area for motor vehicles bearing a valid parking permit issued pursuant to this article without payment of the required parking meter charges. This authority shall be in addition to, and may be exercised in conjunction with, any other authority the chief traffic and parking engineer or the traffic and parking commission may have to regulate the times and conditions of parking. (Ord. 93-584 § 2, 1993)

12.42.140 Implementation.

A. A permit shall be issued for the downtown area residential permit parking upon application and payment of the applicable fee by a person eligible for such permit. A person is eligible to apply for the downtown area residential parking permit if he owns or operates a motor vehicle and resides on property located in the downtown area. Proof of residency in the downtown area must be presented at the time application is made.

B. The application for a permit shall contain the name of the owner or operator of the motor vehicle; residential address; the make, model, color, registration and license plate numbers of the motor vehicle; and the number of the driver’s license of the applicant. The motor vehicle registration and the driver’s license of the applicant must be presented at the time of making said application in order to

verify the contents thereof. The owner or operator of any motor vehicle applying for a downtown area residential parking permit shall have a valid Tennessee motor vehicle license plate; provided, if said applicant is enrolled as full-time student in college or university within the area of the metropolitan government, then said applicant shall have a valid motor vehicle license plate issued by any state and proof of enrollment at such college or university. The motor vehicle registration must show the applicant's present address; provided, if the applicant is a full-time student, then said applicant must provide satisfactory proof of residence in the downtown area.

C. The permit shall be renewed annually upon such conditions and procedures as the traffic and parking commission shall specify. The permit shall display the motor vehicle license plate number. (Ord. 93-584 § 3 (part), 1993)

12.42.150 Downtown area residential parking permit.

A. The holder of a downtown area residential parking permit shall be permitted to stand or park a motor vehicle for which a permit has been issued, in the downtown area at legally permissible parking spaces, including those which have parking meters without being subject to payment of the required parking meter charges between the hours of six p.m. and nine a.m., Monday through Friday and all day Saturday and Sunday. While a motor vehicle for which a residential parking permit has been issued is so parked, such permit shall be displayed on the extreme left hand corner of the dashboard (driver's side) so as to be clearly visible and able to be easily read through the windshield of the vehicle.

B. A downtown area residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in such places or during such times as the stopping, standing, or parking of motor vehicles is prohibited or set aside for specified types of vehicles, and shall not exempt the holder from the observance of any traffic regulation other than the parking meter payments or time limits.

C. A downtown area residential parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the downtown area. (Ord 93-584 § 3 (part), 1993)

12.42.160 Downtown area residential parking permit fee.

The traffic and parking commission is authorized to establish by order an annual downtown area residential permit parking fee to cover the administrative costs for the downtown area residential parking permit issued pursuant to this article. The permit fee must be approved by ordi-

nance duly adopted by the metropolitan county council. An annual fee of twenty-five dollars approved. Upon presentation of adequate proof, persons sixty-five years of age or older who otherwise qualify for the permit shall be exempt from paying the permit fee. (Ord. 93-584 § 4, 1993)

12.42.170 Visitor's permit.

The holder of a downtown area residential parking permit may apply for a visitor's permit which shall be valid for three days and shall be renewable but not transferable. The application shall identify the guest, his address, and the vehicle's make, model, and license number. The application shall also show the permit number and the address of the host, and shall be signed by the permit holder host. Permits for visitors shall be issued upon application unless the chief traffic engineer determines that adequate space is not available within the downtown area. No permit holder shall be issued more than three visitors permits at any given time. (Ord. 93-584 § 5, 1993)

12.42.180 Misrepresentation by applicant for permit—Illegal use of permits.

A. It shall constitute a violation of this article for a person to falsely represent himself as eligible for a downtown area residential parking permit or to furnish any false information in an application to the chief traffic engineer in order to obtain a downtown area residential parking permit.

B. No person other than the permittee named thereon shall use a downtown area residential parking permit or display it on a vehicle operated or parked, and any such use or display by a person other than the permittee shall constitute a violation of this section by the permittee and by the person who so used or displayed such parking permit. (Ord. 93-584 § 6, 1993)

12.42.190 Penalties.

The chief traffic engineer is authorized to revoke the downtown area residential parking permit of any permittee found to be in violation of the provisions of this article and upon written notification thereof the permittee shall surrender such permit to the traffic and parking commission. (Ord. 93-584 § 7(A), 1993)

Chapter 12.44

PARKING METER ZONES

Sections:

12.44.010 Parking meter zones—Establishment authority.

- 12.44.020 Meter design and installation specifications.**
- 12.44.030 Method of parking in metered spaces.**
- 12.44.040 Deposit of coins—Time limits for use.**
- 12.44.050 Use of slugs or substitute coins unlawful.**
- 12.44.060 Tampering with or destroying meters unlawful.**

12.44.010 Parking meter zones—Establishment authority.

A. Parking meter zones are established upon those streets or parts described in Schedule VIII,* in which zones the parking of vehicles upon streets shall be regulated by parking meters between the hours specified in said Schedule VIII* on any day except Sundays and the following legal holidays: New Year's Day, July Fourth, Labor Day, Thanksgiving Day and Christmas Day.

B. The department of public works is authorized, subject to the approval of the traffic and parking commission by amendment of Schedule VIII,* to establish parking meter zones at other locations upon these streets or parts of streets where it is determined upon the basis of an engineering and traffic investigation that the installation of parking meters shall be necessary to aid in the regulation, control and inspection of the parking of vehicles. (Amdt. 1 with Ord. 2002-1246 § 1, 2003; Ord. 93-575 § 4(s), 1993; prior code § 27-1-172)

* **Editor's Note:** Schedule VIII is on file for public inspection at the offices of the metropolitan traffic and parking commission.

12.44.020 Meter design and installation specifications.

A. The department of public works shall cause parking meters to be installed in the parking meter zones established as provided in this chapter upon the curb immediately adjacent to each designated parking space. Each meter shall be capable of being operated, either automatically or mechanically, upon the deposit therein of the required coin of the United States currency, for the full period of time for which parking is lawfully permitted in any such parking meter zone.

B. Each parking meter shall be so designed, constructed, installed and set that, upon the expiration of the time period registered by the deposit of one or more coins, as provided herein, it will indicate by an appropriate signal that the lawful parking meter period has expired, and during such period of time and prior to the expiration thereof

will indicate the interval of time which remains of such period.

C. Each parking meter shall bear thereon a legend indicating the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited, and the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located. (Ord. 93-575 § 4(t), 1993; prior code § 27-1-173)

12.44.030 Method of parking in metered spaces.

No person shall park a vehicle in any designated parking meter space during the restricted and/or regulated time applicable to the parking meter zone in which such meter is located so that any part of such vehicle occupies more than one such space or protrudes beyond the markings designated by such space, except that a vehicle which is of a size too large to be parked within a single designated parking meter zone shall be permitted to occupy two adjoining parking meter spaces when coins shall have been deposited in the parking meter for each space so occupied as is required in this section for the parking of other vehicles in such space. (Prior code § 27-1-174)

12.44.040 Deposit of coins—Time limits for use.

A. No person shall park a vehicle in any parking space upon a street alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a coin or coins of United States currency of the appropriate denomination, as provided in this section, shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and such meter has been placed in operation.

B. No person shall permit a vehicle within his control to be parked in any such parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin or coins in such meter.

C. No person shall park a vehicle in any such parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number or amounts of coins deposited in such meter. If any vehicle shall remain parked in any such parking space beyond the parking time limit fixed for such parking space, the parking meter shall dis-

play a sign or signal showing illegal parking, and in that event such sign or signal shall be prima facie evidence that such vehicle has been parked overtime and beyond the period of legal parking time in any such part of a street where any such meter is located, and shall be a violation of this section. Each period of overtime parking beyond the duration of time specified by the parking meter shall be considered a separate offense.

D. The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this title and the State Vehicular Code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times. (Prior code § 27-1-175)

12.44.050 Use of slugs or substitute coins unlawful.

No person shall deposit or attempt to deposit in any parking meter any slug, button or any other device or substance as substitutes for coins of United States currency. (Prior code § 27-1-176)

12.44.060 Tampering with or destroying meters unlawful.

No person shall deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter. (Prior code § 27-1-177)

**Chapter 12.48
LOADING AND UNLOADING**

Sections:

12.48.010 Curb loading zones—Designation authority.

12.48.020 Curb loading zones—permit requirements.

12.48.030 Standing in passenger curb loading zones.

12.48.040 Freight loading zones—Locations restrictions.

12.48.050 Freight loading zones—Use restrictions.

12.48.060 Public carrier stops and stands.

12.48.070 Bus and taxicab stands—Use conditions.

12.48.080 Bus and taxicab stands—Unlawful uses.

12.48.090 Bus benches and shelters—Transit Authority rights and powers.

12.48.010 Curb loading zones—Designation authority.

The traffic and parking commission may establish passenger and freight loading zones and maintain signs indicating the same and stating the hours during which the provisions of this section are applicable at whatever locations it may determine to be appropriate, as set out in Schedule X.* (Prior code § 27-1-162)

* **Editor's Note:** Schedule X is on file for public inspection at the offices of the metropolitan traffic and parking commission.

12.48.020 Curb loading zones—Permit requirements.

A. 1. The traffic and parking commission shall not designate or sign any curb loading zone upon special request of any person unless such person makes application therefor in writing on a form supplied by the commission. The commission, upon granting a permit and erecting such signs, shall collect from the applicant and deposit in the general fund a service fee to be assessed in the following manner:

- a. For installation of two signposts, one hundred fifty dollars;
- b. For installation of three signposts, two hundred dollars;
- c. For installation of four signposts, two hundred fifty dollars.

2. Such fee is to cover the cost of establishing such loading zone and the erection of appropriate signs or standards indicating the same, and shall include maintenance for such signs for a period of one year from date of erection.

B. The establishment of a loading zone as the result of such special request and upon the payment of such fees by the applicant shall in no manner entitle the applicant to any rights in such loading zone superior to the use of the general public.

C. All permits issued for such loading zones shall expire one year from date of erection of the signs. The commission shall not maintain any such sign after one year from the date of erection unless the owner, agent or lessee shall pay to the commission a fee of thirty dollars for each automobile space in advance annually for the maintenance of such signs. The commission shall remove such signs when the payment of yearly maintenance fee shall be thirty days in arrears. The commission may also remove any such sign whenever public convenience or necessity warrants the same after fifteen days' notice of such intended removal is given such owner, agent or lessee.

D. The fees required herein shall not apply to the erection of signs in front of or adjacent to any governmental

building or in front of any theater, public or parochial school, church, or any organization chartered by the state as a charitable institution.

E. A permit for a loading zone may be revoked at any time by the commission in case of misuse, or in case the commission finds that such zone is no longer necessary.

F. A permit for a loading zone is nontransferable. (Ord. 91-1624 § 1, 1991: prior code § 27-1-166)

12.48.030 Standing in passenger curb loading zones.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes. (Prior code § 27-1-163)

12.48.040 Freight loading zones—Location restrictions.

A. Freight loading zones will be established only where:

1. The applicant has no available off-street loading and unloading facilities or such facilities as are available are grossly inadequate;
2. Such loading is necessary to the conduct of the business of the applicant;
3. Such loading zone is in the interest of public convenience, welfare and safety;
4. The type of loading and unloading involves freight or merchandise too heavy or bulky to be conveniently carried by hand;
5. Existing street loading space is too inconvenient or far away for practical and efficient loading or unloading.

B. In no event shall more than one-half of the total curb length in any one block be reserved for loading purposes. (Prior code § 27-1-164)

12.48.050 Freight loading zones—Use restrictions.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for expeditious unloading and delivery or pickup and loading of freight and merchandise marked as a freight loading zone during the hours when the provisions applicable to freight loading zones are in effect. In no case shall a stop for loading and unloading exceed thirty minutes. (Prior code § 27-1-165)

12.48.060 Public carrier stops and stands.

The traffic and parking commission shall establish bus stops and bus stands for common carrier motor vehicles on

such public streets, in such places and in such numbers as they shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, or other stand shall be designated by appropriate signs. (Prior code § 27-1-171)

12.48.070 Bus and taxicab stands—Use conditions.

A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand.

B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated, except in case of an emergency.

C. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

D. The operator of a taxicab shall not stand or park such a vehicle upon any street at any place other than in a taxicab stand. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping, standing or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. (Prior code § 27-1-169)

12.48.080 Bus and taxicab stands—Unlawful uses.

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed; except, that the driver of a passenger vehicle may temporarily stop therein while actually engaged in the loading and unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. (Prior code § 27-1-170)

12.48.090 Bus benches and shelters—Transit Authority rights and powers.

A. The Metropolitan Transit Authority, an agency of the metropolitan government of Nashville and Davidson County created by the Metropolitan Charter, Appendix Four, is given the sole power to place bus benches and bus shelters on the public rights-of-way within the area of the metropolitan government, subject to the approval of the

department of planning, and the department of public works. There shall be no advertisement on any of these benches in any residential zoning district.

B. It is unlawful for any other person, corporation, partnership or entity to place or maintain bus benches and/or bus shelters on the public rights-of-way within the area of the metropolitan government.

C. The metropolitan transit authority is hereby given authority to remove any and all bus benches and/or bus shelters placed on the public rights-of-way within the area of the metropolitan government in violation of this section.

D. Any person, corporation, partnership or entity who violates this section shall be punishable as provided in Section 1.01.030 of the Metropolitan Code of Laws. (Ord. 95-1329 § 2 (part), 1995; Ord. 93-575 § 5, 1993; prior code § 27-1-171.1)

Chapter 12.52 PEDESTRIANS

Sections:

12.52.010 Pedestrians to obey traffic regulations and traffic-control devices.

12.52.020 Pedestrian right-of-way in crosswalks—Driver responsibilities.

12.52.030 Use of right half of crosswalk.

12.52.040 Crossing where crosswalks not marked.

12.52.050 Right-of-way on sidewalks.

12.52.060 Pedestrians using white canes or sticks.

12.52.070 Blind pedestrians.

12.52.080 Pedestrians on highways.

12.52.090 Pedestrians to yield to authorized emergency vehicles.

12.52.100 Obedience to railroad signals.

12.52.110 Crossing in front of vehicles stopped to discharge passengers.

12.52.120 Driver responsibilities.

12.52.130 Soliciting rides or business prohibited.

12.52.140 Pedestrians under the influence of alcohol or drugs.

12.52.010 Pedestrians to obey traffic regulations and traffic-control devices.

A. A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.

B. Pedestrians shall be subject to traffic and pedestrian control signals as provided in Section 12.12.090.

C. At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this title. (Prior code § 27-1-120)

12.52.020 Pedestrian right-of-way in crosswalks—Driver responsibilities.

A. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian crossing is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

C. Subsection A of this section shall not apply under the conditions stated in subsection B of Section 12.12.090.

D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. (Prior code § 27-1-121)

12.52.030 Use of right half of crosswalk.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (Prior code § 27-1-124)

12.52.040 Crossing where crosswalks not marked.

A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

C. Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

D. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements. (Prior code § 27-1-122)

12.52.050 Right-of-way on sidewalks.

A. The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (56), 1990; prior code § 27-1-129)

12.52.060 Pedestrians using white canes or sticks.

A. It is unlawful for any person except persons wholly or partially blind to carry or use on the public streets of the metropolitan government any canes or walking sticks which are white in color with a red end.

B. It is the duty of all drivers of motor vehicles, when approaching a person carrying a cane or walking stick white in color with a red end, to immediately come to a full stop and yield the right-of-way to said person.

C. Section 12.84.020 sets out the penalty for violation of subsection B of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (58), 1990; prior code § 27-1-131.1)

12.52.070 Blind pedestrians.

A. The driver of a vehicle shall yield the right-of-way to any blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (57), 1990; prior code § 27-1-131)

12.52.080 Pedestrians on highways.

A. Where a sidewalk is provided and its use is practicable, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

B. Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

C. Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway and, if on a two-way roadway, shall walk only on the left side of the roadway.

D. Except as otherwise provided in this title, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway. (Prior code § 27-1-125)

12.52.090 Pedestrians to yield to authorized emergency vehicles.

A. Upon the immediate approach of an authorized emergency vehicle making use of an audible signal and/or visual signals or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian

shall yield the right-of-way to the authorized emergency vehicle.

B. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor from the duty to exercise due care to avoid colliding with any pedestrian. (Prior code § 27-1-130)

12.52.100 Obedience to railroad signals.

No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. (Prior code § 27-1-128)

12.52.110 Crossing in front of vehicles stopped to discharge passengers.

No person shall cross any street within ten feet of the front of any vehicle which has stopped momentarily to load or discharge passengers, except in compliance with the direction of a police officer or a traffic signal. (Prior code § 27-1-127)

12.52.120 Driver responsibilities.

A. Notwithstanding other provisions of this title, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (55), 1990; prior code § 27-1-123)

12.52.130 Soliciting rides or business prohibited.

A. No person shall stand in a roadway for the purpose of soliciting a ride.

B. No person shall stand on a highway, roadway, or public street or alley for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

C. No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway. (Prior code § 27-1-126)

12.52.140 Pedestrians under the influence of alcohol or drugs.

It is unlawful for a pedestrian who is under the influence of alcohol or any drug to a degree which renders him-

self a hazard to walk or be upon a highway except on a sidewalk. (Prior code § 27-1-132)

Chapter 12.54

HORSE-DRAWN CARRIAGES

Sections:

12.54.010 Definitions.

Article I. Certificate of Public Convenience and Necessity—Horse-Drawn Carriage Service

12.54.020 Required and term.

12.54.030 Application information and fees.

12.54.040 Issuance and denial.

12.54.050 Limitations and amendments.

12.54.060 Change of ownership or address.

12.54.070 Disciplinary action.

12.54.080 Operation of horse-drawn carriage after suspension.

12.54.090 Appeals.

12.54.100 Insurance required.

12.54.110 Records and reports.

Article II. Driver's Permit

12.54.120 Permit required—Violations and term.

12.54.130 Qualifications.

12.54.140 Ineligibility.

12.54.150 Fees.

12.54.160 Investigation of applicant.

12.54.170 Issuance—Permit to be posted.

12.54.180 Denial, suspension, revocation and appeal.

12.54.190 Unpermitted drivers.

12.54.200 Conduct of drivers.

12.54.210 Alcohol in horse-drawn carriage.

12.54.220 Return of passengers' property.

12.54.230 Rates of fare.

Article III. Horses, Carriages and Equipment

12.54.240 Requirements for horses in service.

12.54.250 Examination of horses.

12.54.260 Carriage and equipment.

12.54.270 Animal working conditions.

Article IV. General Regulations

12.54.280 Fees.

12.54.290 Non-transferability.

12.54.300 Accidents.

12.54.310 Routes.

12.54.320 Hours of operation.

12.54.330 Enforcement by police department.

12.54.340 Penalties.

12.54.010 Definitions.

“Carriage permit” means a permit issued by the commission for an animal-drawn carriage to transport persons.

“Certificate holder” means a person, company, corporation or association which has applied for, and been granted, a certificate of public necessity and convenience.

“Certificate of public convenience and necessity” (as it relates to this chapter) means a license granted, upon application and approval, by the transportation licensing commission for the sole purpose of authorizing the certificate holder to provide transportation through an animal-drawn carriage and may hold one or more permits as defined under this section.

“Commission” (unless otherwise described) means the metropolitan transportation licensing commission as established by the Metropolitan Charter and code of laws.

“Commission director” means the director/executive secretary of the transportation licensing commission.

“Commission inspector” means an employee of the metropolitan transportation licensing commission authorized and trained to inspect horses and horse-drawn carriages.

“Driver permit” means a permit issued by the commission to drive and operate a horse-drawn carriage.

“Metro” means the Metropolitan Government of Nashville and Davidson County.

“Permittee” means a holder of any permit issued under this chapter.

“Traffic and parking commission” means the metropolitan traffic and parking commission as established by the Metropolitan Charter and code of laws. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

Article I. Certificate of Public Convenience and Necessity—Horse-drawn Carriage Service

12.54.020 Required and term.

No horse-drawn carriage shall be used or operated on a for hire basis by any person in the territorial jurisdiction of the metropolitan government without an owner or operator having first obtained a certificate of public convenience and necessity. Each certificate shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.030 Application information and fees.

A. Upon application (on a form devised by the commission director) and the payment of a fee of one hundred dollars, a person may be issued an annual certificate to

operate a horse-drawn carriage business subject to the approval of the commission.

B. All applications for a certificate of public convenience and necessity shall set forth:

1. Name, home address, telephone number, date of birth, and social security number of the applicant(s);

2. Business name (D/B/A), business address and telephone number if different from above;

3. A list of current drivers employed by the business, with each driver's permit number indicated;

4. The form of business of the applicant, i.e. corporation, partnership, sole proprietor. If the business is a corporation or any other form of association, a copy of the documents establishing the business and the name, address, and citizenship of each person with a direct interest in the business;

5. A description of any past business experience of the applicant, particularly in providing horse-drawn carriage services. Identification and description of any revocation or suspension of operating authority imposed by any government against any license or permit held by the applicant before the date of filing the application and any litigation related to the operation of the business and accidents involving injury to persons or animals;

6. The number and description of carriages the applicant proposes to use in the operation of the service, including any identifying characteristics such as color, style and other markings;

7. The number of horses the applicant proposes to use in the operation of the service along with a description and four separate and unobstructed color photographs of each animal (front, each side and rear), and a statement (not more than thirty days old) by a veterinarian certified by the state of Tennessee documenting that the horse has been examined and is approved as serviceable for its use in a carriage rental business and that there has been formulated and implemented a health maintenance plan for each horse. The commission may by rule require any necessary forms to implement this part;

8. A description of the proposed service, including routes, rates or fares to be charged, and schedules, where applicable;

9. Documentary evidence from an authorized insurance company indicating a minimum of one million dollars liability insurance held by the applicant as required by this chapter;

10. The financial ability and responsibility of the applicant as reflected by a certified financial statement or, if an association, a full and complete statement of the amounts to be contributed monthly or annually by each member, insurance coverage to be provided, and other pertinent facts which may be required by the commission,

the commission may by rule designate a specific financial statement to be submitted;

11. Whether the applicant, or any employee, has been convicted, pled guilty, placed on diversion, probation or parole, or pled nolo contendere within a period of five years prior to the date of application for violation of any of the following criminal offenses under any local, state or federal law: homicide, rape, aggravated assault or battery, kidnapping, robbery, burglary, child molestation, any sex-related offense, leaving the scene of an accident, criminal solicitation, or any offense related to cruelty to animals or criminal attempt to commit any of above, perjury or false swearing in making any statement under oath in connection with the application for a driver's permit, or the felony possession, sale or distribution of narcotic drugs or controlled substances. If, at the time of application, the applicant is charged with any such offenses, consideration of the application shall be deferred until entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges;

12. Documentary evidence of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed service if the business establishment is located in the metropolitan government area;

13. Any additional information, including business references, strategic plans and similar information, as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted;

14. Any additional information as the commission considers necessary to assist or promote the implementation or enforcement of this chapter or the protection of the public safety. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.040 Issuance and denial.

A. Upon receipt of an application for a certificate, the commission shall issue such certificate valid for one year if it finds that the applicant meets all requirements of this article.

B. In determining whether or not a certificate should be issued, the commission shall give weight and due regard, among other things, to:

1. The probable permanence and quality of the service offered by the applicant or association;

2. The applicant's experience in rendering transportation service in the metropolitan government area, and the applicant's experience in prompt adjustment of claims and in payment of judgments, if any, to claimants as a result of injuries received from the negligent operation of vehicles for hire;

3. The financial ability of the applicant or association to respond in damages based on certified audits, bank statements, letters of credit and similar financial documentation;

4. The stability of the business organization of the applicant, and the ability of the applicant to provide continuous, satisfactory and responsible service on a business-like basis, and to meet other organizational requirements set forth by the commission;

5. The character and condition of the vehicles to be used, which shall be determined by an inspection of each vehicle by the commission or his designee as provided in this chapter.

C. If the commission finds that a certificate should be issued to an applicant for the operation of a horse-drawn carriage, the applicant will be issued a permit for each carriage.

D. The owner, operator, or custodian of a horse engaged in a horse-drawn carriage service shall have a valid certificate available for immediate inspection by the commission director or a designee, commission inspector, a police officer, or an animal control officer at all times when a horse is on any street or public byway.

E. If the commission director determines that the requirements of this chapter have not been met, and/or that an applicant should be denied operating authority, he or she shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal to the commission.

F. The commission may determine by rule the date upon which permits will expire. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.050 Limitations and amendments.

A. A certificate must state on its face that it is for the exclusive purpose of operating a for-hire horse-drawn carriage service within the metropolitan government area. It may also contain other conditions and limitations deemed necessary by the commission, including, but not limited to:

1. Number and description of vehicles authorized;
2. Number and description of horses to be used;
3. Number of passengers that may be safely transported in each vehicle, based on the size of the vehicle and the type of horse pulling the vehicle;
4. Places for loading or unloading passengers;
5. Hours of operation and/or schedules and routes to be followed;
6. Operating procedures;
7. The use of special safety equipment;
8. The use of special sanitary devices and special care procedures;

9. Special conditions or limitations.

B. A certificate holder commits an offense if he or she fails to comply with the conditions or limitations placed on the operating authority under which he or she is operating the horse-drawn carriage.

C. Approval of temporary changes in authorized routes and hours of operation of a horse-drawn carriage must be requested from the traffic and parking commission or its designee at least five business days before being implemented.

D. The commission director may approve additional horses, carriages and drivers for a certificate holder without approval from the commission. The commission must approve any other permanent changes to a certificate of necessity and public convenience.

E. If a horse-drawn carriage service experiences peak demand periods requiring more vehicles than are designated in its certificate, the certificate holder may request supplemental vehicles by submitting a written application for a temporary permit to the commission director. The application shall state the reason for the supplemental vehicles and identify the vehicles and horses to be used. The temporary permit fees will equal fifty percent of normal fees. Supplemental vehicles authorized by a temporary permit amendment under this section:

1. May not be used for more than ten days, and expires sixty days after it is issued;
2. Must comply with the vehicle requirements of this chapter;
3. Must comply with the insurance requirements of this chapter; and
4. Are subject to inspection by the commission director, who may (at any time) order unsafe vehicles or abused or tired horses to be removed from service. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.060 Change of ownership or address.

A. If a certificate holder changes address or telephone number of the service, the certificate holder shall immediately notify the commission director. Failure to do so may result in disciplinary action.

B. If there is a change of ownership or title to any carriage for the operation of which a certificate has been issued under this article, the certificate holder shall have the right to substitute within thirty days after sale, destruction or elimination of the carriage, another carriage of the same or similar type and construction and receive a new carriage identification sticker if the permittee complies with all other requirements of this article, subject to inspection.

C. Change of ownership shall automatically revoke such certificate and the certificate shall be destroyed or returned to the commission.

D. Before any changes of licensed carriages, including additional carriages, horses or drivers or new ownership or address, shall be approved, the certificate holder shall file an amended certificate of insurance with the commission director indicating that the coverage required by this section is in force. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.070 Disciplinary action.

A. The commission may place on probation, suspend or revoke a certificate holder if it is determined that the certificate holder, or any driver operating on behalf of the certificate holder, has:

1. Made a false statement in the application;
2. Failed to comply provisions of this chapter;
3. Operated a service not authorized by the certificate;
4. Failed to comply with the conditions and limitations of the certificate;
5. Been convicted of a violation of local, state, or federal law, that indicates a lack of fitness of the permittee to perform a passenger transportation service;
6. Been convicted of any felony offense while holding the permit;
7. Failed to qualify for a certificate under any section of this chapter;
8. Operated without appropriate permits and licenses issue by any other governmental entity;
9. Engaged in conduct detrimental to the public safety; or
10. Been convicted of any offense involving driving while intoxicated.

B. Any certificate holder convicted of a violation of this chapter or any other local, state or federal law concerning the treatment of animals shall be denied a certificate under this chapter, or such conviction shall form the basis for the suspension or revocation of any certificate granted under this chapter.

C. The commission director shall notify the certificate holder in writing with a notice of the proposed action to be taken and the general basis for the proposed action along with a "show-cause hearing" date before the commission. The certificate holder shall have an opportunity to be heard by the commission before the imposition of any probation, suspension or revocation. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.080 Operation of horse-drawn carriage after suspension.

A. After receipt of notice of suspension, revocation, or denial of certificate renewal, the certificate holder shall, on the date specified in the notice, discontinue driving a horse-drawn carriage for hire inside the metropolitan government area and shall surrender the written certificate to the commission director.

B. If the certificate holder appeals the suspension or revocation under this section, the certificate holder may continue to operate the horse-drawn carriage pending the appeal unless:

1. The certificate of the certificate holder is suspended pursuant to subsection regarding felony arrest or violation of DUI laws;
2. The commission director determines that continued operation by the certificate holder would impose an immediate threat to public safety. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.090 Appeals.

A. Any person whose application for a certificate or renewal of a certificate is denied by the commission director may file a written appeal with the commission within ten days. If an appeal is not made to the commission within ten days of the commission director's decision, the director's decision shall be final. A letter addressed to the commission and delivered to the commission office stating that an appeal from the decision of the commission director is desired shall perfect such appeal. The commission, as soon as possible after receiving such notice of appeal, shall notify the applicant or certificate holder of the date and time of the hearing. The hearing shall be at least five days after the mailing of such notice. After the hearing of the appeal, the commission shall sustain, modify or reverse the findings of the commission director, and shall notify the commission director and the applicant or certificate holder of its findings. The findings of the commission shall be final, subject to any applicable legal processes.

B. An applicant or association who has been denied a certificate or license by the commission director, and such denial has been upheld by the commission or not appealed to them, shall not be allowed to make another application for six months from the date of the denial. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.100 Insurance required.

A. Before any certificate shall be issued by the commission director, or before the renewal of such certificate shall be granted, the applicant or association shall be required to file an insurance policy and/or certificate of in-

surance with the commission director evidencing insurance coverage as required in this section.

B. Insurance coverage as provided in subsection (A) of this section means a policy of public liability insurance issued by an insurance company qualified to do business in the state and naming the metropolitan government as an additional insured. Any policy of public liability insurance issued in compliance with this article shall be for a term of not less than one year, and for any horse-drawn carriage insured there under shall afford protection to any third party sustaining injury or damage as a result of the negligent operation of any horse-drawn carriage, with the minimum amount of insurance to be one million dollars, known as combined single limit insurance coverage. Such policy shall expressly provide that it may not be canceled, except after thirty days written notice to the commission director.

C. Such certificate will certify that the policy provides for a minimum of one million dollars per carriage for liability imposed by law for damages on account of bodily injuries, death or personal damages, other than injuries, death or property damages of the company or driver, in any one accident resulting from the ownership, maintenance or use of such carriage. The certificate of insurance shall also list the serial number or identification number of each carriage that is insured.

D. The operation of any horse-drawn carriage within metro without having in force the public liability insurance policy as outlined in this section is hereby declared to be a violation of this article, subjecting the owner and/or certificate holder to all applicable penalties provided in this article and this chapter.

E. Any changes must be reported to the commission immediately. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.110 Records and reports.

A. Each certificate holder shall maintain at a single location business records of its horse-drawn carriage business. The records must be maintained in a manner approved by the commission director and contain the following information:

1. An identification of the carriage used for each trip;
2. The number of trips made by each carriage on a daily basis;
3. An identification of the horse used for each trip and a statement of the periods of work and rest for each horse; and
4. Any other information the commission director determines necessary for monitoring the activities, operations, service, and safety record of the licensee.

B. A certificate holder shall make its records available for inspection by the commission director, commission inspector or designated officials. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

Article II. Driver's Permit

12.54.120 Permit required—Violations and term.

A. No person shall drive or otherwise operate a carriage engaged in the for-hire horse-drawn carriage service unless he or she has a driver's permit. To qualify for a permit, an applicant must comply with all of the requirements and stipulations of this chapter and any rules and regulations adopted by the commission.

B. A person commits an offense if he or she operates a horse-drawn carriage for-hire in the metropolitan government without a driver's permit issued by the commission.

C. A business commits an offense if it employs or otherwise allows a person to operate a horse-drawn carriage owned, controlled, or operated by the permittee unless the person has a driver's permit issued by the commission.

D. Each permit shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.130 Qualifications.

A. An application for a horse-drawn carriage driver permit shall be filed on forms provided by the commission.

B. Such application shall contain the following information:

1. The name, residential address, telephone number and date of birth of the applicant. No applicant under twenty-one years of age will be approved for a permit;
2. The names, addresses, telephone numbers, and signatures of four persons, at least one of whom is a resident of the state of Tennessee, who have known the applicant for a period of at least one year and who will provide information regarding the applicant as specified by the commission;
3. The applicant's experience in the transportation of passengers;
4. The applicant's educational background;
5. The applicant's recent employment history;
6. The applicant's residential address for the last five years;
7. Any other information mandated by the commission by a rule.

C. The applicant shall sign the application form and certify, under oath, as to the truth and completeness of the responses provided. The applicant shall provide the following documents in addition to the application form in order to submit a complete application:

1. A valid Tennessee driver's license with proof of a special chauffeur's license issued by the state (Class D license with an 'F' endorsement, T.C.A. Chapter 7, Title 59);

2. If a resident alien, a current work permit and/or other valid United States Immigration and Naturalization Service documentation, as required by the commission;

3. A current federal Department of Transportation (D.O.T.) medical card or comparable test results;

4. A current federal Department of Transportation (D.O.T.) drug and alcohol test result. The commission may establish by rule a system to randomly test for compliance with this requirement;

5. The commission may designate by rule the requirements of a horsemanship course to be completed by applicants.

D. Each application shall be accompanied by an official driver record issued by the Tennessee Department of Safety, no more than thirty days previous to the date of application. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.140 Ineligibility.

A. The applicant shall be ineligible to receive a permit if:

1. The applicant has been convicted, pled guilty, or pled nolo contendere in the last five years for any of the following offenses involving bodily injury or death or in the last three years for any of the following offenses not involving injury or death:

- a. Hit and run,
- b. Driving under the influence of an alcoholic beverage or drug,
- c. Reckless or careless driving.

2. For an initial permit, no more than three moving violations within the last three years and no more than two moving violations in the last year will be allowed;

3. For renewal permit, no more than four moving violations within the last three years and no more than two moving violations in the last year;

4. The applicant has been convicted, pled guilty, placed on diversion, probation or parole, or pled nolo contendere within a period of five years prior to the date of application for violation of any of the following criminal offenses under the laws of Tennessee, any other state or of the United States: homicide, rape, aggravated assault or battery, kidnapping, robbery, burglary, child molestation,

any sex-related offense, leaving the scene of an accident, criminal solicitation, or any offense related to cruelty to animals or criminal attempt to commit any of above, perjury or false swearing in making any statement under oath in connection with the application for a driver's permit, or the felony possession, sale or distribution of narcotic drugs or controlled substances. If, at the time of application, the applicant is charged with any such offenses, consideration of the application shall be deferred until entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges;

5. The applicant has been convicted of two or more felony offenses within the past ten years;

6. The applicant has been convicted for a period of two years prior to the date of application of the violation of two or more sections of the Metropolitan Code or other ordinances governing the operation of vehicles for hire. If at the time of application the applicant is charged with any of the offenses listed in this section, consideration of the application shall be deferred until entry of a plea, conviction, acquittal, dismissal or other final disposition of the charges;

7. The applicant has been convicted of any local, state or federal law related to cruelty to animals. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.150 Fees.

A. To obtain an annual horse-drawn carriage driver's permit, or renewal of the permit, a person must file with the commission director a completed written application on a form provided for the purpose and a nonrefundable application fee and a fee for a police records search. The commission is authorized to establish the fees necessary to fulfill this part. The commission director shall require each application to state such information considered necessary to determine whether an applicant is qualified.

B. All licenses shall expire annually on March 1, unless otherwise revoked, canceled or suspended.

C. The commission director may renew permits for each successive year before March 1 of each year. A renewal fee shall be charged for each permit issued. A fee shall also be charged for all replacement or temporary horse-drawn carriage driver permits. Such fees shall be in addition to the cost of any investigation, and the commission shall have the authority to set the fees by rule. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.160 Investigation of applicant.

A. The commission shall conduct an investigation of each applicant for a horse-drawn carriage driver's permit including all appropriate local, state and federal databases and/or sources of information. The commission may re-

quest the metro police department to assist it in conducting the investigation, and the commission may adopt by rule such fees as necessary to cover any costs associated with this investigation.

B. The commission director may conduct such other investigation, as he or she considers necessary to determine whether an applicant for a horse-drawn carriage driver's permit is qualified. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.170 Issuance—Permit to be posted.

A. Upon approval of an application for a horse-drawn carriage driver's permit, the commission director shall issue a permit to the applicant, which shall bear the name, address, age, weight and other information deemed appropriate.

B. Every driver shall at all times conspicuously display a permit either on the clothing of the driver's upper body or upon the carriage. A driver shall allow the commission director, commission inspector, animal control officer or a police officer to examine the license upon request. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.180 Denial, suspension, revocation and appeal.

A. The commission director may deny any applicant's license if he or she determines that the applicant fails to comply with any requirement of this chapter. If the commission director denies a license, the applicant may appeal within ten days of such denial to the commission for a hearing to determine if such denial is justified. The decision of the commission shall be final, subject to any appropriate judicial review.

B. The commission director is hereby given authority to suspend any horse-drawn carriage driver's permit issued under this article for a driver's failure or refusal to comply with the provisions of this article. Such suspensions may not last for a period of more than thirty days. The commission director is also given authority to revoke any permit for failure to comply with the provisions of this article.

C. If a permittee shall be charged in any court with a misdemeanor involving moral turpitude, or with any felony, or with driving while intoxicated or under the influence of drugs, or with violations of this article, the commission director is hereby given authority to suspend the driver's permit pending final disposition of the charges against him or her, and to revoke such permit upon conviction thereof.

D. The commission director may revoke a horse-drawn carriage driver's permit if he or she determines that

the permittee has engaged in conduct detrimental to the public safety.

E. The commission director may not suspend or revoke any permit unless the driver has received notice of the charges against him or her and has had the opportunity to present evidence on his or her behalf.

F. Any permittee whose license has been suspended or revoked by the commission director may file a written appeal with the commission within ten days. If an appeal is not made to the commission within ten days of the commission director's decision, the director's decision shall be final. A letter addressed to the commission and delivered to the commission office stating that an appeal from the decision of the commission director is desired shall perfect such appeal. The commission, as soon as practicable after receiving such notice of appeal, shall notify the applicant or permittee of the date and time of the hearing which shall be not less than five days after the mailing of such notice. After the hearing of the appeal, the commission shall sustain, modify or reverse the findings of the commission director, and shall notify the commission director and the applicant or permittee of its findings. The findings of the commission shall be final, subject to any applicable legal processes. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.190 Unpermitted drivers.

A. If any person is found operating any horse-drawn carriage for-hire within the metropolitan government area without a valid horse-drawn carriage driver's permit on behalf of any holder of a certificate of necessity and public convenience, the commission director may immediately take action to suspend or revoke the certificate of necessity and public convenience held by the operator of the horse-drawn carriage service.

B. A person whose horse-drawn carriage driver's permit is suspended shall not drive a horse-drawn carriage for-hire within the metropolitan government area during the period of suspension. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.200 Conduct of drivers.

A. A driver shall at all times:

1. Act in a reasonable, prudent, and courteous manner;
2. Maintain a sanitary and well-groomed appearance;
3. Not permit a person other than another employee or the owner of the horse-drawn carriage service to operate the carriage under the driver's control;
4. Not permit a person on the back of a carriage horse when the horse is under the driver's control;

5. Not leave a horse untethered or unattended except when confined to a stable or other enclosure;

6. Not permit a horse to drop excrement from its diaper;

7. Keep all carriage stands clean and free of animal excrement;

8. Not permit the seating capacity rated for his or her carriage to be exceeded;

9. Travel only those routes designated for horse-drawn carriage travel, including special occasion travel routes as approved by the traffic and parking commission;

10. Not operate a carriage while under the influence of intoxicating beverages or drugs;

11. Observe and obey all traffic laws and regulations of metro and state;

12. Not permit a passenger to stand or ride on any part of the carriage other than the designated seating area while the carriages is in motion and to advise the passengers that they must be seated except when loading or unloading;

13. Not drink or eat while carrying passengers or while carriage is in motion;

14. Not permit the speed at which any horse-drawn carriage is driven to exceed a trot; and

15. Be responsible for the proper and humane care and treatment of each horse under their direct care and supervision;

B. To protect the health and safety of the animal and the public, upon a finding that an animal is sick, injured, lame, malnourished, or in any other condition that renders it unfit for drawing a carriage, a commission inspector, animal control officer or police officer may issue an order that a horse is deemed unfit for work and order it removed from the vehicle and the city streets.

C. Persons who violate any provision of this section shall be subject to a fine of one hundred dollars for the first offense, with the fine for each subsequent offense of this section increasing by an increment of one hundred dollars. In the event the person has no additional violations of this section for a period of twelve consecutive months, the fine for any violation of this section after that period shall be one hundred for the first offense, with the fine for each subsequent offense increasing by an increment of one hundred dollars. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.210 Alcohol in horse-drawn carriage.

A. A certificate holder or driver commits an offense if he or she provides an alcoholic beverage to a passenger for a fee or as part of the passenger transport service.

B. A certificate holder or driver commits an offense if he or she provides, stocks or permits any alcoholic beverage

in the carriage. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.220 Return of passengers' property

A driver of a horse-drawn carriage shall immediately attempt to return to a passenger any property left by the passenger in the carriage. If unable to locate the passenger, the driver shall notify the certificate holder of the service, who shall notify the commission director within twenty-four hours of a description of the property and the location where the property is being stored. For property found on weekends and public holidays, the certificate holder shall notify the commission director during the next regular business day. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.230 Rates of fare.

A. Each carriage company shall be required to file with the commission a list of their basic rates thirty days prior to any change. The rate charged by each carriage shall be the same as that on file with the commission and shall be posted conspicuously within the carriage.

B. The use of any type of meter or measuring device to calculate rates of fare for a horse-drawn carriage is prohibited.

C. Passengers shall be informed of the rate prior to embarking. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

Article III. Horses, Carriages and Equipment

12.54.240 Requirements for horses in service.

A. Before any horse may be used in a horse-drawn carriage business, the permittee must furnish the commission director with:

1. A state certificate of veterinarian inspection identifying the horse by description and with front, rear, right and left photographs and showing that the horse has been examined at least once within the preceding six months by a veterinarian licensed by the state;

2. Proof that the horse has had tetanus, rabies, Influenza, Rhinopneumonitis, and Eastern-Western encephalitis vaccinations;

3. A negative Coggins test result; and

4. Close-up photographs or drawings showing identifying markings of the horse.

B. A permittee with a horse used in a horse-drawn carriage must adhere to the following regulations and conditions:

1. Be appropriately shod and trimmed, and shall utilize rubber-coated pad or boots or open steel barium tip shoes, or other shoes approved by a veterinarian;

2. Inspected and maintained by a farrier at least every eight weeks, or as necessary. Records must be kept by the owner in the carriage of the dates and the name of the farrier who shod the animal and are subject to inspection.

If a horse loses a shoe while working, an “easy” type boot may be used to finish the scheduled workday;

3. Not have any open or bleeding wound, oozing sore, cut below skin level, or bleeding wound;

4. Not have evidence of lameness;

5. Have all harnesses properly fitted and in good repair with no deficiencies that create a safety hazard;

6. Be properly cleaned with no offensive odors or caked dirt or mud;

7. Wear a special sanitary device for containing animal excrement;

8. Flies and other insects must be controlled through general sanitation and other necessary means;

9. Horses weighing at least eight hundred pounds can pull one or two passengers;

10. Horses weighing at least one thousand, one hundred pounds can pull three to four passengers;

11. Horses weighing at least one thousand, four hundred pounds can pull five or six passengers.

For this section, a passenger is defined as an adult weighing more than one hundred pounds;

12. Not have obvious signs of emaciation, malnutrition, or exhaustion;

13. All harnesses, bridles and bits and any other equipment shall be properly fitted and kept in good repair. Blankets, bridles and bits shall not be used on another horse unless it is first disinfected. Harnesses and bridles shall be kept well oiled and cleaned and in good repair;

14. Carriages must be kept properly lubricated, and wheels must spin freely and straight;

15. Animals requiring veterinary care shall not be moved, ridden or driven, except for the purpose of humane keeping, pasturing or obtaining medical care;

16. “Free choice” salt shall be available to all horses in the stabling and/or assembly/transfer sites;

17. Carriages shall not be pulled by stallions or pregnant mares, nor shall stallions or pregnant mares be brought into any of the stables, assembly/transfer sites or assembly/holding sites;

18. Mules used to pull carriages must meet the same requirements as described for horses;

19. Provisions shall be made to catch or immediately pick up any manure deposited by the carriage horses away from the stable or assembly/transfer sites. The manure shall be returned to the stable or transfer sites for appropriate disposal;

20. Horses shall wear properly attached and fitted blinders while pulling carriages;

21. Owner and handlers shall take immediate measures to prevent shivering of horses;

22. It is the responsibility of owners, drivers, and riders to protect the horse and, when under their control, to ensure that the horse is not left to roam freely and possibly cause harm to the public or itself;

23. Owners shall not allow a horse to be worked on a public highway, path or street during adverse weather or other conditions that are a threat to the health or safety of the horse and public, this will include driving the horse across metal construction plates on the roadway; and

24. No horses shall be permitted to pull a carriage with a loose shoe.

C. The commission director, commission inspector, police officer or animal control officer may require the certificate holder or driver of a horse-drawn carriage to remove from service any horse that appears to be ill, overtired, undernourished, overloaded, injured, or lame or whose health or life in the opinion of a veterinarian or qualified equine animal control officer, is in imminent danger. To reinstate a horse removed from service, the horse must be re-examined and a new state certificate of veterinarian inspection issued for the horse by a veterinarian licensed by the state and specializing in equine medicine, which certificate must be submitted to the commission director.

D. A person commits an offense by harassing or startling, or attempting to harass or startle, any horse while the horse is pulling a carriage or at rest or otherwise treats a horse inhumanely while it is working in a horse-drawn carriage. Violation of this section shall constitute a misdemeanor.

E. A certificate holder and driver shall use a trailer to transport a horse to a job location in the metropolitan government area that is more than three miles from the location where the horse is stabled.

F. For purposes of this section, a horse is considered to be working any time it is being used for-hire on a public street or sidewalk, or other public right-of-way, during any hour of operation of the horse-drawn carriage service that is authorized by and on file with the commission director.

G. The metro animal control may order quarantine on the entire premises where the animals are being stabled or any part thereof or on any particular animal for any of the following reasons:

1. Excessive parasitism, diagnosed by a veterinarian, which would cause the animal to be unfit to be ridden or driven;

2. General malnutrition, as diagnosed by a veterinarian; or

3. Presence of suspicion of contagious or transmittable disease, as diagnosed by a veterinarian.

H. Owners and operators of horse-drawn carriages shall not permit unsanitary conditions to be present on any city route, animal rest area or any area where the animals are kept. All such areas shall be kept clean and free of conditions that might harbor, or be conducive to the breeding of insects or rodents.

I. No animal shall be made to perform by means of any prod, stick, electrical shock, physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury to the animal whether in or out of service. A whip or riding crop may be displayed on the carriage provided it is not used on any horse.

J. The certificate holder shall notify the commission director of any carriage horse that dies within twenty-four hours, or if on the weekend or a legal holiday, during the next business day. The commission director may request that a board certified veterinary pathologist shall perform a necropsy at the expense of the certificate holder. A record of the death and/or necropsy finding shall be filed with the commission director.

K. When weather conditions are adverse or inclement which could harm either horses or passengers, carriages shall not be operated. The commission, by rule, may adopt specific guidelines for the operation of carriages in inclement weather conditions. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.250 Examination of horses.

A. The commission director may, at any time, request the metro animal control agency or its designee, to examine any carriage horse. The cost of examination of a horse shall be the responsibility of the certificate holder.

B. Each horse shall be thoroughly examined within thirty days prior to use and shall have:

1. A certificate of well-being issued by a veterinarian and kept, at all times, with the horse and available for inspection by the commission director, commission inspector, police officer or animal control officer. A copy of such certificate shall be on file with the commission director;

2. A certificate of well-being identifying the horse by breed, color, sex, and markings and showing the state and type of carriage the horse can be expected to draw safely, without causing injury to the horse.

The certificate of well-being shall be valid for a period not to exceed six months.

C. No stallions, unmanageable or unruly horses or pregnant mares shall be licensed or used at any time.

D. A license that has been issued for a mare that becomes pregnant during the license period shall be returned to the commission director by the business until such time as the mare has foaled and is recertified by a veterinarian.

E. After the initial issuance of the certificate of well-being is issued:

1. The horse must be examined at least once every six months by a veterinarian licensed by the state who specializes in equine medicine and receive a state certificate of veterinarian inspection, which must be submitted to the commission director;

2. The permittee shall keep written medical records for each horse and the records must be available for inspection at reasonable times upon request by the commission director.

F. The examination shall encompass that which is consistent with maintaining the health and well-being of the animal as determined by the usual and customary recommended treatment of animals working under such conditions by the veterinarian association. Such examinations should include, but not be limited to, leg and hoof exams, dental exams, eyes, internal parasites, lab reports, and cardiovascular health. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.260 Carriage and equipment.

A. An owner, operator, or custodian of a horse engaged in the horse-drawn carriage shall ensure and certify that the equipment used in the operation of the horse-drawn carriage meets the following standards of this section:

1. Provide that the carriage used is in good operating condition, the axles are well-greased, and that all operating mechanisms are in good working order;

2. Provide that the carriage is equipped with hydraulic brakes in good working condition;

3. Provide that the saddle, harness, shoes, bridle, and any other equipment for the horse fits properly, is in good working condition, and shall not cause injury or pain to the horse;

4. Not use twisted wire, spurs, bucking straps, flank straps, or similar devices. All bits and other equipment must be humane which are not injurious to the horse;

5. Daily inspect all horses and all equipment at the time of departure from and return to the stable; and

6. Provide that all horses are equipped with a diaper that is constructed of a sturdy material and is properly fitted to the horse to ensure comfort.

B. No carriage engaged in the horse-drawn carriage business shall be driven or operated on a public street or byway of the city unless the owner or operator of the carriage has obtained a valid identification card issued by the commission director pursuant to a procedure and fees established by this chapter.

C. A carriage used in the horse-drawn carriage service shall:

1. Have a valid permit conspicuously displayed on the carriage at all times;
2. Be equipped with a slow-moving vehicle emblem attached to the rear of the carriage;
3. Be maintained in a safe and sanitary condition;
4. Not drive or transport more than nine passengers at one time with a maximum of seven adults, excluding the driver or operator of the carriage for each horse; or ten passengers at one time, including the driver or operator for each mule;
5. Display the name and telephone number of the horse-drawn carriage with letters not to exceed three inches nor less than one inch in height on the carriage exterior. These signs must be displayed at all times that the carriage is operating for business unless the carriage is being used for a special event, such as a wedding or funeral;
6. Must be equipped with a chemical to be poured over horse urine by drivers so as to break down and eliminate accumulated agents and odors;
7. Sufficient reflective material must be placed along the shafts of the carriage, or other parts thereof, which normally parallel the body, head or legs of the horse pulling such carriage;
8. An optional rear view mirror on each side of the carriage, if requested by the commission director;
9. Be equipped with lights which comply with applicable state law;
10. A fully charged backup battery must be readily available and a carriage cannot operate without proper lights;
11. Two suitable cardholders shall be conspicuously affixed to the carriage visible to passengers. One cardholder shall hold the identification card of the carriage driver and one shall hold the identification card of the horse that is in use at the time, as well as the certificate of well being for such horse;
12. A first aid kit;
13. Consecutive daily records in a bound volume, in ink, must be kept of the movements of each horse-drawn carriage and horse by the licensee, as follows:
 - a. Permit number,
 - b. Time of departure from and arrival at stable,
 - c. Driver's name and permit number,
 - d. Driver's permit expiration date, and
 - e. The horse's name and identification number.This information must be available for inspection. Only the daily logs must be available on each carriage;
14. In addition, the following information is required for each specific trip:
 - a. Carriage identification number,

- b. Number of passengers,
- c. Time of departure of trip, and
- d. Time of return of trip.

D. If, upon any inspection, a carriage is found to be unsafe, unclean or unsightly, the commission director or commission inspector or designee, may direct that the carriage be taken out of service until such condition is corrected. Such carriage shall be re-inspected and approved by the commission director, commission inspector or designee before returning to service, at which time a new permit shall be issued and a service fee (established by rule) shall be collected.

E. The commission may, by rule, establish additional inspection requirements for a carriage and other equipment used in the horse-drawn carriage service. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.270 Animal working conditions.

A. No animal shall be worked under any of the following conditions, and any owner allowed to let the conditions exist will be found in violation of this article:

1. The animal is pulling more people than permitted under Section 12.54.260 of this chapter;
2. The animal works more than eight hours in any twenty-four-hour period without ten minutes of rest for each fifty minutes of work and with a minimum of twelve consecutive hours of rest;
3. The animal pulling a carriage is moved at a speed faster than a trot;
4. The animal is worked with equipment causing an impairment of vision other than normal blinders;
5. The animal is subject to any condition or treatment that will impair the good health and physical condition of the animal;
6. Water must be available before and after each shift. In addition, water shall be offered when appropriate and will not be injurious to the horse;
7. Make sure horses are given proper amounts of water before and after working, and have additional water available if needed;
8. Not work longer than eight hours within a twenty-four-hour period with a minimum of twelve consecutive hours of rest;
9. Horses shall not be worked for commercial purposes in extreme temperatures or in adverse weather. When the weather is determined to be adverse, all horses must immediately cease working, be offered shade or shelter when available, be rested and cooled off, and then walked to their stable. All horses so ordered to return to their stable must be unbridled and remain at the stable for at least one hour and until the temperature returns to the appropriate levels;

10. Be provided with daily food and water, free from contamination. Such food shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal;

11. Shall not be overridden or driven to overheating or exhaustion. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

Article IV. General Regulations

12.54.280 Fees.

A. The annual fees for a horse-drawn carriage license issued by the commission shall be set by the commission by rule as necessary to cover all expenses related to the administration of this chapter.

B. All fees shall be made payable to metro through the commission. All certificates shall expire annually on March 1 of each year and must be renewed by the commission director to remain in force. No prorating of the fee shall be permitted.

C. If a certificate is amended to increase the number of vehicles or horses used, the commission director shall collect a fee as a result of the amendment in addition to appropriate permit fees.

D. A fee for a temporary amendment to the certificate authorizing supplemental vehicles during peak demand periods is authorized for each vehicle or horse.

E. If a license or an identification card is lost or destroyed, the commission director shall issue the permittee a duplicate permit upon payment to metro of a duplicate permit fee.

F. No refund of a fee required by this section may be made. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.290 Non-transferability.

A certificate of public convenience and necessity, horse-drawn carriage permit, carriage driver's license, or an identification card is assigned to one person or company, and is not transferable. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.300 Accidents.

A. The driver of a horse carriage shall report any accident involving such carriage to the police department. The company shall notify the commission director of such accident by nine a.m. on the next business day.

B. No horse or carriage involved in an accident where structural damage to the carriage or injury to the horse has occurred, shall be operated again until the carriage has been inspected by the commission director or a police offi-

cer and the horse has been certified for service by a veterinarian. The company shall present written notice of certification to the commission director. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.310 Routes.

A. A horse-drawn carriage shall operate horse-drawn carriages only upon streets according to routes and restrictions developed through consultation with the metropolitan traffic and parking commission.

B. Horse-drawn carriages operate for-hire are barred from using streets which:

1. Have a speed limit exceeding thirty-five m.p.h., unless prior approval is obtained from the traffic and parking commission;

2. Are designated as major arterial streets by the metropolitan planning commission, except during the hours of six p.m. to six a.m. and on Saturday, Sunday and holidays as determined in consultation with the traffic and parking commission. Exceptions may be made only with the express consent of the traffic and parking commission.

C. The authorized routes and tether locations shall be subject to amendment as needed through consultation with the metro traffic and parking commission to ensure safe and efficient movement of traffic.

D. Advance charter tours may deviate from the route provided the company operates on streets approved for routes.

E. A company shall receive prior approval of the commission director to deviate from approved routes or destinations and which require the use or crossing of streets designated as arterial streets by the metropolitan planning commission.

F. In the event of a funeral, a company may notify the commission director twenty-four hours in advance of its intention to use a non-authorized route. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.320 Hours of operation.

A. Carriage shall operate only after six p.m. and must leave the streets by six a.m., Monday through Friday, unless the metropolitan traffic and parking commission grants the carriage specific permission to operate during other hours. Carriages may operate during any hours on weekends and on holidays.

B. Should the commission director determine that special circumstances exist which would jeopardize the safety of the animal, such as bad weather or other environmental problems, the commission director may order a temporary suspension of the operation of all horse-drawn vehicles until such time as the special circumstances abate.

C. Carriages lights must be lit from dusk until dawn or when inclement weather dictates. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.330 Enforcement by police department.

Officers of the police department shall assist in the enforcement of this chapter. A police officer observing a violation of this chapter, or the regulations established by the director, shall take necessary action to insure effective regulation of horse-drawn carriage. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

12.54.340 Penalties.

A. All provisions of this chapter shall be governed by the penalties found in Metropolitan Code of Laws, Section 1.01.030

B. Notwithstanding any provision contained herein, the commission shall have the authority to enforce the provisions of this chapter. (Amdt. 1 and 2 with Ord. 2002-1075 § 1 (part), 2002)

**Chapter 12.56
PARADES**

Sections:

12.56.010 Title for citation.

12.56.020 Definitions.

12.56.030 Permit—Required when—Application.

12.56.040 Exceptions from chapter applicability.

**12.56.050 Permit—Application filing procedures—
Police chief authority.**

12.56.060 Permit—Issuance conditions.

**12.56.070 Financial responsibility restrictions—
Insurance required when—
Recreational parades.**

12.56.080 Permit—Notice of rejection.

12.56.090 Method for computing of time.

**12.56.100 Permittee's duty to comply with
directions and conditions.**

12.56.110 Permit—Revocation conditions.

12.56.120 Interfering with or obstructing parades.

12.56.130 Driving through parades.

12.56.140 Parking on parade route.

12.56.150 Injunctive relief.

12.56.160 Unlawful activities designated—Penalty.

12.56.010 Title for citation.

The ordinance codified in this chapter shall be known and may be cited as the "Parade Ordinance of the Metropolitan Government." (Ord. 89-796 § 1, 1989)

12.56.020 Definitions.

As used in this chapter, the following terms shall mean:

"Chief of police" means the chief of police of the metropolitan government of Nashville and Davidson County, or his/her designee.

"Metro" means the metropolitan government of Nashville and Davidson County.

"Parade" means any march or procession of any kind, in or upon any street, sidewalk, alley or other public place, held for the purpose of expressing First Amendment freedoms in the metropolitan government of Nashville and Davidson County, Tennessee.

"Parade permit" means a permit as required by this chapter.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

"Recreational purpose" means any march or procession of any kind, in or upon any street, sidewalk, alley or other public place in the metropolitan government of Nashville and Davidson County, Tennessee, including but not limited to footraces, walk-a-thons and fundraising events, wherein the purpose of such march or procession is unrelated to the expression of First Amendment freedoms. (Ord. 89-796 § 2, 1989)

**12.56.030 Permit—Required when—
Application.**

No person shall parade, unless a parade permit has been obtained from the chief of police, or his/her designee, upon application filed with the chief of police not less than six days before the date on which it is proposed to conduct the parade. Any request for a permit to parade in or upon a park shall be approved by the director of parks and recreation, in accordance with Section 13.24.150. ((Part) of Amdt. 1 to Ord. 89-796, 6/6/89; Ord. 89-796 § 3 (part), 1989)

**12.56.040 Exceptions from chapter
applicability.**

This chapter shall not apply to:

A. Funeral processions;

B. Picketing, marches or processions of any kind which will be conducted entirely upon the sidewalk. If more than twenty people will be involved, the organizer shall write the chief of police four days prior to the planned date of the picketing, march or procession, setting out the date and time, route, number of participants expected, and purpose;

C. Any parade or similar activity to be conducted on property subject to the jurisdiction of the board of parks and recreation. ((Part) of Amdt. 1 to Ord. 89-796, 6/6/89; Ord. 89-796 § 3 (part), 1989)

12.56.050 Permit—Application filing procedures—Police chief authority.

A. The chief of police is authorized to establish a procedure for filing an application for a parade permit, the specified times, if any, when a parade may be held in the interest of public safety, and any other provisions necessary to the implementation of this chapter.

B. The chief of police shall have the authority to reasonably modify the route, time and place of a parade to facilitate crowd control in the interest of relieving congestion and promoting public safety, provided that the applicant's right to free speech is not denied. (Ord. 89-796 § 5, 1989)

12.56.060 Permit—Issuance conditions.

The chief of police shall issue a permit, except where the time, place and manner are not in conformity with the rules set out below, or except where the permit would conflict as to time or place with a permit previously issued:

A. The time, route and size of the parade shall not substantially disrupt the safe use and orderly movement of other traffic contiguous to its route. The applicant shall submit a copy of the parade application to the public events committee;

B. The conduct of the parade shall not require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to Metro;

C. When held for a recreational purpose, the parade shall be supervised by security personnel, the employment of which shall be at the sole expense of the applicant. The chief of police, or his/her designee, shall reasonably determine the number of security personnel needed for the safe conduct of the parade, and shall inform the applicant four days before the event so that the applicant can provide appropriate evidence that proper security personnel have been retained prior to the issuance of the permit;

D. The applicant has provided for the services of the number of parade monitors as set forth in established department regulations, to insure that the parade will be conducted in conformity with the parade permit;

E. The parade shall not interrupt normal ambulance service to portions of Metro other than that to be occupied by the proposed line of march and areas contiguous thereto;

F. The concentration of persons, animals and vehicles at assembly points of the parade shall not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

G. The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;

H. The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit; however, nothing contained herein will prohibit the advertising of any product, goods or event identifying organizations or sponsors furnishing or sponsoring floats or transportation for the parade;

I. The applicant has satisfied all of the financial requirements of Sections 12.56.120 through 12.56.140, if applicable. (Ord. 89-796 § 4, 1989)

12.56.070 Financial responsibility restrictions—Insurance required when—Recreational parades.

A. The applicant for a parade permit for a recreational purpose, and any other persons, organizations, firms or corporations on whose behalf the application is made, by filing the application, do represent, stipulate, contract and agree that they will jointly and severally indemnify and hold Metro harmless against liability for any and all claims for damage to property, injury to or the death of persons arising out of or resulting from the issuance of the permit, or the conduct of the parade or its participants.

B. In addition to the requirements of subsection A of this section, in the event a parade is held for a recreational purpose, and is comprised of pedestrians and vehicles or animals, no permit shall be issued unless the applicant shall obtain a comprehensive general liability insurance policy. If motor vehicles are involved, an automobile liability policy, issued by an insurance company authorized to do business in the state with a Best Key Rating of A/VII or better, with coverage that includes the assembly area, the parade route, the disbanding area of the parade, and any other area used by the participants of the parade. Metro shall be named as an additional insured on the policy. Up to one million dollars of single-limit general liability and automobile liability insurance covering both bodily injury and property damage may be required for issuance of a parade permit. The provisions of this subsection shall not apply to parades held for a recreational purpose composed entirely of pedestrians.

C. At the time of the application for a parade permit for a recreational use, satisfactory proof that the insurance required by subsection B has been obtained shall be presented to the chief of police. The requirement for satisfactory proof may be complied with either by depositing the insurance policy itself with the chief of police, or by furnishing a certificate of insurance meeting the following specifications to the chief of police:

1. The insurance policies issued shall be listed, and for each policy the type of insurance, policy number, expiration date and limits of liability shall be shown;

2. The certificate shall designate Metro as certificate holder and as an additional insured, and shall contain a statement to the effect that the policies listed are in force, and that in the event of cancellation or any material change in a policy affecting the certificate holder at least ten days' prior written notice shall be given to the certificate holder;

3. Below the schedule of insurance in force, the certificate shall include a statement substantially as follows:

The comprehensive general liability policy listed above includes coverage of designated premises and coverage for contractual liability in compliance with the provisions of Section _____ of the Metro Code of Laws, for a parade to be held on _____, 19_____.

4. The certificate of insurance shall be signed by an authorized agent of the issuing company or companies. (Ord. 89-796 § 9, 1989)

12.56.080 Permit—Notice of rejection.

The chief of police shall act upon the application for a parade permit within three days after the filing thereof. If the chief of police or his/her designee disapproves the application, he shall provide written notice of his action, stating the reasons for his denial of the permit. The chief of police shall make the written statement available to the applicant within three days from the date the application was filed. It shall be the responsibility of the applicant to obtain from the chief of police or his/her designee, the written statement denying the application. The chief of police shall inform the applicant of the duty to obtain the written denial at the time the application is submitted. (Ord. 89-796 § 6, 1989)

12.56.090 Method for computing of time.

In computing any period of time set out in this chapter, the date of the action after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included. All Saturdays, Sundays and holidays are not to be counted in the time period. (Ord. 89-796 § 7, 1989)

12.56.100 Permittee's duty to comply with directions and conditions.

A permittee under this chapter shall comply with all permit directions and conditions, and with all applicable laws and ordinances. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade. (Ord. 89-796 § 8, 1989)

12.56.110 Permit—Revocation conditions.

The chief of police or his/her designee shall have the authority to revoke at any time prior to the parade a permit issued under this chapter upon determination that the applicant materially misrepresented facts or information in the application and/or failed to meet the standards for issuance as herein set forth. (Ord. 89-796 § 11, 1989)

12.56.120 Interfering with or obstructing parades.

No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly, or with any person, vehicle or animal participating or used in a parade. (Ord. 89-796 § 10 (1), 1989)

12.56.130 Driving through parades.

No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade. (Ord. 89-796 § 10 (2), 1989)

12.56.140 Parking on parade route.

The chief of police or his/her designee shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The director of the traffic and parking commission and/or the director of public works, upon request of the chief of police, shall post signs to such effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street that has not been timely posted to prevent parked vehicles from interfering with the parade. (Ord. 89-796 § 10 (3), 1989)

12.56.150 Injunctive relief.

Nothing in this chapter providing for the regulation or license of parades, or penalties set forth for violation of this chapter, shall waive the right or otherwise preclude Metro, or any of its residents, from seeking or obtaining injunctive relief in a court of general jurisdiction for the purpose of prohibiting or regulating any proposed parade, or a parade for which a permit has been issued. (Ord. 89-796 § 13, 1989)

12.56.160 Unlawful activities designated—Penalty.

A. It is unlawful for any person to stage, present or conduct, or attempt to stage, present or conduct a parade without first having obtained a permit therefor as provided in this chapter, or who shall otherwise violate any of the provisions of this chapter.

B. It is unlawful for any person to participate in a parade on Metro streets for which a permit has not been granted.

C. It is unlawful for any person to fail to comply with all directions and conditions of the parade permit.

D. Any person violating the provisions of any section of this chapter shall, upon conviction, be fined not more than fifty dollars for each violation. (Ord. 89-796 § 12, 1989)

Chapter 12.58

SCOOTERS, ROLLER SKATES AND IN-LINE SKATES

Sections:

12.58.010 Streets or designated path—Uses permitted.

12.58.020 Sidewalks—Uses permitted—Manner of operation.

12.58.030 Skating single file.

12.58.040 Reckless or destructive operation.

12.58.050 Speed restrictions.

12.58.060 Helmets, lamps, other required equipment and prohibited equipment.

12.58.070 Yield to right-of-way required when.

12.58.080 Clinging to vehicles.

12.58.090 Parent and guardian responsibility concerning violation.

12.58.010 Streets or designated path—Uses permitted.

A person may not operate scooters, in-line skates or roller skates on public roadways, except as otherwise provided herein or as otherwise permitted, and subject to the following provisions and all other applicable provisions in this chapter:

Whenever a designated bicycle path has been provided adjacent to a roadway or as a part of a roadway, operators of scooters, in-line skates or roller skates shall use such path or designated area and shall not use the roadway. (Ord. BL2001-696 § 1 (part), 2001; Ord. 98-1352 § 6 (part), 1998)

12.58.020 Sidewalks—Uses permitted—Manner of operation.

Except where erected signs prohibit or other provisions of the code prohibit such activity, a person may operate scooters, in-line skates or roller skates on sidewalks, except for that center city area bounded by the center lines of the Gay Street connector and First Avenue North on the east, the center line of Broadway on the south, the railroad

gulch on the west, and by the center lines of Charlotte Pike and James Robertson Parkway on the north. In addition, the operator must yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. Any person who operates scooters, roller skates or in-line skates on sidewalks shall be subject to all applicable provisions of this chapter. (Ord. BL2001-696 § 1 (part), 2001; Ord. 98-1352 § 6 (part), 1998)

12.58.030 Skating single file.

Persons operating scooters, in-line skates or roller skates shall operate such scooters and skates in a single file. (Ord. BL2001-696 § 1 (part), 2001; Ord. 98-1352 § 6 (part), 1998)

12.58.040 Reckless or destructive operation.

A. No person shall operate scooters, in-line skates or roller skates upon a roadway area, sidewalk or other public property with disregard for the safety of persons or the destruction of property.

B. No person shall operate scooters, roller skates or in-line skates in a manner that is reasonably likely to damage or deface any public or private property, whether real or personal. (Ord. BL2001-696 § 1 (part), 2001; Ord. 98-1352 § 6 (part), 1998)

12.58.050 Speed restrictions.

No persons shall operate scooters, in-line skates or roller skates at a speed greater than the posted speed limit or at a speed that is faster than is reasonable and prudent under the conditions then existing. (Ord. BL2001-696 § 1 (part), 2001; Ord. 98-1352 § 6 (part), 1998)

12.58.060 Helmets, lamps, other required equipment and prohibited equipment.

A. Operators of scooters, in-line skates or roller skates shall wear helmets approved by the American National Standards Institute (ANSI), the Snell Memorial Foundation, or the American Society for Testing and Materials (ASTM), wrist guards, elbow pads and kneepads.

B. Whenever an operator of a scooter, in-line skates or roller skates utilizes the sidewalk or permitted public roadway areas at nighttime, the operator shall be equipped with either (1) a lamp which shall emit a white light visible from a distance of at least five hundred feet to the front, and with a red reflector of a type which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle; or (2) a lamp emitting a

red light visible from the distance of five hundred feet to the rear together with clearly visible reflectorized clothing.

C. No person shall operate scooters, roller skates or in-line skates on a permitted public roadway area or sidewalk while listening to a portable radio, compact disc (CD) or tape player. (Ord. BL2001-696 § 1 (part), 2001; Ord. 98-1352 § 6 (part), 1998)

12.58.070 Yield to right-of-way required when.

The operator of a scooter, in-line skates or roller skates emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on such roadway. (Ord. BL2001-696 § 1 (part), 2001; Ord. 98-1352 § 6 (part), 1998)

12.58.080 Clinging to vehicles.

A person operating a scooter, in-line skates or roller skates shall not attach the same or himself to any moving vehicle upon the roadway. (Ord. BL2001-696 § 1 (part), 2001; Ord. 98-1352 § 6 (part), 1998)

12.58.090 Parent and guardian responsibility concerning violation.

The parent or any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter. (Ord. 98-1352 § 6 (part), 1998)

**Chapter 12.60
BICYCLES**

Sections:

12.60.010 Compliance with Title 12 provisions.

12.60.020 Application of Title 12 provisions.

12.60.030 Traffic laws applicable—Exceptions.

12.60.040 Obedience to traffic-control devices.

12.60.050 Method of riding.

**12.60.060 Riding on right side of roadway—
Passing vehicles.**

12.60.070 Operating more than two abreast.

12.60.080 Number of persons on a bicycle.

12.60.100 Riding on sidewalks.

12.60.110 Speed restrictions.

12.60.120 Lamps and other required equipment.

12.60.130 Yield right-of-way required when.

12.60.135 Bicycle lanes.

12.60.140 Parking of bicycles.

12.60.150 Carrying articles.

12.60.160 Clinging to vehicles.

12.60.165 Youth helmets.

**12.60.170 Parent and guardian responsibility
concerning violations.**

12.60.010 Compliance with Title 12 provisions.

It is unlawful for any person to do any act prohibited or fail to perform any act required by Title 12 of this code. (Prior code § 27-1-240)

12.60.020 Application of Title 12 provisions.

The provisions of Title 12 shall apply whenever a bicycle is operated upon any street or highway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated herein. (Prior code § 27-1-242)

12.60.030 Traffic laws applicable—Exceptions.

Every person operating a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles, or by the traffic ordinances of the metropolitan government applicable to the driver of a vehicle, except as to special regulations in this title and except as to those provisions of law and ordinances which by their nature can have no application. (Amdt. 1 with Ord. 99-1815 § 1, 1999; prior code § 27-1-243)

12.60.040 Obedience to traffic-control devices.

A. Any person operating a bicycle shall obey the instructions of official traffic signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer, except that where a traffic signal is activated only by motor vehicles, a bicyclist who is faced with a red traffic signal may, after waiting a reasonable time to determine the signal will not change to green, proceed after yielding the right-of-way to all traffic lawfully proceeding through the intersection.

B. Whenever authorized signs are erected indicating that no right or left turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. (Ord. 99-1815 § 2, 1999; prior code § 27-1-244)

12.60.050 Method of riding.

A person operating a bicycle shall not ride other than astride a permanent and regular seat attached thereto. (Ord. 99-1815 § 3, 1999; prior code § 27-1-245)

**12.60.060 Riding on right side of roadway—
Passing vehicles.**

Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride in the same direction as other vehicular traffic as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

A. When overtaking and passing another vehicle proceeding in the same direction;

B. When preparing for a left turn at an intersection or onto a private road or driveway;

C. When reasonably necessary to avoid conditions, including but not limited to fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard-width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a “substandard-width lane” means a lane too narrow for a bicycle and another vehicle to travel safely within the lane;

D. When riding on a shoulder if such operation does not violate any section of this title for passing or direction of travel;

E. When proceeding straight ahead on a multiple lane roadway with a “right turn only” lane; or

F. When riding within a bicycle lane. (Ord. 99-1815 § 4, 1999; prior code § 27-1-247)

12.60.070 Operating more than two abreast.

Persons operating bicycles upon a roadway shall not ride more than two abreast. Persons operating two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane. (Ord. 99-1815 § 5, 1999; prior code § 27-1-248)

12.60.080 Number of persons on a bicycle.

No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (Prior code § 27-1-246)

12.60.100 Riding on sidewalks.

A. No person shall operate a bicycle upon a sidewalk within a business district.

B. Whenever any person is operating a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

C. Persons operating bicycles across a roadway or driveway and along a crosswalk from a sidewalk or path have all the duties applicable to pedestrians under the same circumstances. Such persons similarly have the rights of pedestrians, but only if the bicyclist was entitled to use the

sidewalk or path, and the approach and entry into the roadway or driveway are made at a speed no greater than an ordinary walk so that other drivers may anticipate the necessity to yield when required. (Ord. 99-1815 § 7, 1999; prior code § 27-1-255)

12.60.110 Speed restrictions.

No person shall operate a bicycle at a speed greater than the posted speed limit or at a speed which is greater than is reasonable and prudent under the conditions then existing. (Ord. 99-1815 § 8, 1999; prior code § 27-1-250)

12.60.120 Lamps and other required equipment.

A. Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front, and with a red reflector on the rear of a type which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from the distance of five hundred feet to the rear shall be used in addition to the red reflector.

B. Every bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement. (Ord. 99-1815 § 9, 1999; prior code § 27-1-256)

12.60.130 Yield right-of-way required when.

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway. (Prior code § 27-1-252)

12.60.135 Bicycle lanes.

A. Every person operating a motor vehicle shall yield the right-of-way to a person operating a bicycle within a bicycle lane. A person operating a motor vehicle may cross a bicycle lane when making a turn or when entering or leaving the roadway, but a bicycle lane shall not be used as turning lane or passing lane.

B. Motor vehicles should not be parked, stopped or left standing in bicycle lanes unless such activity is otherwise permitted.

C. A person operating a bicycle within a bicycle lane shall give an audible signal when passing another person

operating a bicycle proceeding in the same direction and shall further pass on the left.

D. A person operating a bicycle entering a bicycle lane shall yield the right of way to all bicycles in the bicycle lane. A person operating a bicycle leaving a bicycle lane shall yield the right of way to all vehicles and pedestrians. No person operating a bicycle lane shall leave it until the movement can be made with reasonable safety and, if any vehicle would be affected by the movement, by giving an appropriate signal before the movement is made.

E. A person operating a bicycle within a bicycle lane shall travel in the same direction as motor vehicles traveling in the adjacent traffic lane. (Ord. 99-1815 § 10, 1999)

12.60.140 Parking of bicycles.

A. A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device.

B. A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

C. A bicycle may be parked on a roadway at any angle to the curb or edge of the roadway at any location where parking is allowed.

D. A bicycle may be parked on a roadway abreast another bicycle near the side of the roadway at any location where parking is allowed.

E. A person shall not park a bicycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

F. Any person may park near and secure a bicycle to any publicly owned pole or post if no bicycle rack is available, for a period of not more than twelve hours, unless an official control device or any applicable law or ordinance prohibits the parking or securing of bicycles at that location. (Ord. 99-1815 § 11, 1999)

12.60.150 Carrying articles.

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars. (Prior code § 27-1-254)

12.60.160 Clinging to vehicles.

A. A person riding upon any bicycle shall not attach the same or himself to any moving vehicle upon a roadway.

B. The provisions of this section shall not be construed to prohibit the attachment of a bicycle trailer or bicycle semitrailer to a bicycle, if such trailer or semitrailer is designed specifically for such purpose. (Prior code § 27-1-251)

12.60.165 Youth helmets.

No person who is under sixteen years of age shall operate a bicycle, or ride as a passenger on a bicycle or a bicycle trailer, on a public roadway, bikeway, sidewalk or bike path unless wearing a protective helmet designed for public safety which meets or exceeds the standards set by the American Standards Institute (ANSI), the American Society for Testing and Materials (ASTM) or the Snell Foundation. While not mandatory, bicycle operators who are sixteen years of age or older are encouraged to wear helmets. (Ord. 99-1815 § 12, 1999)

12.60.170 Parent and guardian responsibility concerning violations.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter. (Prior code § 27-1-241)

Chapter 12.64 MOTORCYCLES

Sections:

12.64.010 Applicability of traffic regulations.

12.64.020 Manner of riding—Restrictions.

12.64.030 Footrest and handlebar requirements.

12.64.040 Equipment required for motorcycle riders.

12.64.050 Operating procedures on laned roadways.

12.64.060 Clinging to other vehicles.

12.64.010 Applicability of traffic regulations.

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this title, except as to special regulations in this chapter and except as to those provisions of this title which by their nature can have no application. (Prior code § 27-1-80)

12.64.020 Manner of riding—Restrictions.

A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

B. A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

C. No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.

D. No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

E. Section 12.84.020 sets out the penalty for violations of subsections A through D of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (20), 1990; prior code § 27-1-81)

12.64.030 Footrest and handlebar requirements.

A. Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

B. No person shall operate any motorcycle with handlebars more than fifteen inches in height above that portion of the seat occupied by the operator.

C. Section 12.84.010 sets out the penalty for violation of this section. (§ 4 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; § 2 (part) of Amdt. 1 to Ord. 90-1255, 6/19/90; Ord. 90-1255 § 4 (1), 1990; prior code § 27-1-84)

12.64.040 Equipment required for motorcycle riders.

A. No person shall operate or ride upon a motorcycle unless he is wearing protective headgear which complies with standards established by the Tennessee State Statute Annotated.

B. No person shall operate a motorcycle unless he is wearing an eye protective device of a type approved by the Tennessee State Statute Annotated, except when the motorcycle is equipped with a windscreen.

C. This section shall not apply to persons riding within an enclosed cab.

D. Section 12.84.010 sets out the penalty for violation of this section. (§ 4 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; § 2 (part) of Amdt. 1 to Ord. 90-1255, 6/19/90; Ord. 90-1255 § 4 (2), 1990; prior code § 27-1-85)

12.64.050 Operating procedures on laned roadways.

A. All motorcycles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

B. The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

C. No person shall operate a motorcycle between lanes of traffic, or between adjacent lines or rows of vehicles.

D. Motorcycles shall not be operated more than two abreast in a single lane.

E. Subsections B and C of this section shall not apply to police officers in the performance of their official duties.

F. Section 12.84.020 sets out the penalty for violation of subsections A through D of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (21), 1990; prior code § 27-1-82)

12.64.060 Clinging to other vehicles.

A. No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (22), 1990; prior code § 27-1-83)

Chapter 12.68 MISCELLANEOUS DRIVING RULES

Sections:

- 12.68.010 Drivers in processions.**
- 12.68.020 Funeral procession identification.**
- 12.68.030 Driving through funeral processions.**
- 12.68.040 Following fire apparatus.**
- 12.68.050 Driving over fire hose.**
- 12.68.060 Causing unnecessary traffic congestion—Regulations in shopping center parking lots.**
- 12.68.070 Opening doors into traffic.**
- 12.68.080 Backing of vehicles—Restrictions.**
- 12.68.090 Coasters, roller skates and other toy vehicles.**
- 12.68.100 Golf cart requirements.**
- 12.68.110 Towing of vehicles.**
- 12.68.120 Detour signs—Driver obedience required.**
- 12.68.130 Driving on sidewalks.**
- 12.68.140 Riding on portions of vehicle not intended for passengers.**
- 12.68.150 Putting glass, nails or other injurious material on highway—Clearing accident wreckage.**

- 12.68.160 Boarding or alighting from moving vehicles.**
- 12.68.170 Careless driving.**
- 12.68.180 Reckless driving.**
- 12.68.190 Driving under the influence of intoxicating liquor or drugs.**
- 12.68.200 Attempting to elude police officers.**
- 12.68.210 Use of mobile telephones while operating a school bus or other vehicle transporting children.**

12.68.010 Drivers in processions.

A. Each driver in a funeral or other procession shall drive as near to the right-hand side of the roadway as practicable and safe, and shall follow the vehicle ahead as close as is practicable and safe.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (16), 1990; prior code § 27-1-76)

12.68.020 Funeral procession identification.

A. A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia, or by such other method as may be determined and designated by the traffic and parking commission.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (15), 1990; prior code § 27-1-75)

12.68.030 Driving through funeral processions.

A. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are properly designated as required in this chapter.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (17), 1990; prior code § 27-1-77)

12.68.040 Following fire apparatus.

A. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet, or drive into and park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (13), 1990; prior code § 27-1-73)

12.68.050 Driving over fire hose.

A. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (14), 1990; prior code § 27-1-74)

12.68.060 Causing unnecessary traffic congestion—Regulations in shopping center parking lots.

A. It is unlawful for any person to cause unnecessary traffic congestion by driving aimlessly through the parking lots of shopping centers or other retail stores, or not-for-profit religious or educational institutions within the area of metropolitan government when a sign has been posted prohibiting such activity.

B. It shall be the duty of the owner of the property on which the signs are posted to request in writing that the metropolitan police department enforce this section on their property. The owner of the property may also post speed limit signs and other traffic-control devices regulating the use of the premises, which regulations may be enforced by the metropolitan government. The responsibility and cost for erection of all such signs shall be borne by the property owner, and all signs shall be subject to the approval of the traffic and parking commission and shall conform to standard uniform traffic sign regulations customarily used by the metropolitan government. (Ord. 90-1214 § 1, 1990; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (54), 1990; prior code § 27-1-119.1)

12.68.070 Opening doors into traffic.

A. No person shall open the door of a motor vehicle on the side available to moving traffic, unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (26), 1990; prior code § 27-1-91)

12.68.080 Backing of vehicles—Restrictions.

A. The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic, and shall not back into a street intersection, or around a street corner, and in no event shall the distance of the backing movement exceed fifty feet, and shall in every case yield the right-of-way to moving traffic and pedestrians.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (18), 1990; prior code § 27-1-78)

12.68.090 Coasters, roller skates and other toy vehicles.

A. No person upon roller skates, coasters or sleds, or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any roadway, except while crossing a street on a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians, except as otherwise permitted in this title.

B. Section 12.84.020 sets out the penalty for violation of this section. (Ord. 98-1352 § 2, 1998; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (51), 1990; prior code § 27-1-117)

12.68.100 Golf cart requirements.

Every golf cart, regardless of the number of wheels, shall comply with equipment requirements applicable to motorcycles under this title, except those requirements solely applicable to motor-driven cycles. (Prior code § 27-1-86)

12.68.110 Towing of vehicles.

A. It is unlawful to tow any motor vehicle upon any street or highway if the drawbar or connection exceeds eight feet from one vehicle to the other. Any vehicle being towed upon any street during a period between one-half hour after sunset and one-half hour before sunrise shall maintain lights on both sides and the rear thereof, visible to the rear and on both sides for a distance of not less than two hundred feet.

B. It is unlawful to tow any vehicle without red stop lights meeting the requirements of Tennessee State Statute Annotated.

C. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (31), 1990; prior code § 27-1-96)

12.68.120 Detour signs—Driver obedience required.

A. It is unlawful to tear down or deface any detour sign or to break down or drive around any barricade erected for the purpose of closing any section of a street to traffic during construction, repair, or for any purpose incident to the needs of public safety or convenience, or to drive over such section of the street until again thrown open to public traffic; however, such restriction shall not apply to the persons in charge of such construction or repair or project for public safety or convenience.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (29), 1990; prior code § 27-1-94)

12.68.130 Driving on sidewalks.

A. No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (19), 1990; prior code § 27-1-79)

12.68.140 Riding on portions of vehicle not intended for passengers.

A. No person shall ride on any portion of a vehicle not designed or intended for the use of passengers. This section shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (27), 1990; prior code § 27-1-92)

12.68.150 Putting glass, nails or other injurious materials on highway—Clearing accident wreckage.

A. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal or vehicle upon such highway.

B. Any person who drops, or permits to be dropped or thrown upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

C. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

D. Section 12.84.020 sets out the penalty for violations of subsections A through C of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (53), 1990; prior code § 27-1-119)

12.68.160 Boarding or alighting from moving vehicles.

A. No person shall board or alight from any vehicle while such vehicle is in motion.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (25), 1990; prior code § 27-1-90)

12.68.170 Careless driving.

A. Every person operating a vehicle upon the streets within the metropolitan government, or upon any private road or driveway or parking area, shall drive the same in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic and use of these streets and private areas, and all other attendant circumstances, so as not to endanger the life, limb or property of any person. Failure to drive in such manner shall constitute careless driving and a violation of this chapter.

B. Section 12.84.030 sets out the penalty for violation of subsection A of this section. (Ord. 98-1447 § 8, 1999; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (12), 1990; prior code § 27-1-71)

12.68.180 Reckless driving.

A. It is unlawful for any person to drive any vehicle upon the streets of the metropolitan government or upon any private road or driveway or parking area in a wilful and wanton disregard for the safety of persons or property. Any person who drives any vehicle at a speed of fifteen or more miles per hour than the posted speed limit upon any streets of metropolitan government or upon any private road or driveway or parking area in any residence district shall be presumed to be driving in a wilful and wanton disregard for the safety of persons or property and the burden of proof shall be upon the driver to establish that they were not driving with such disregard.

B. Deleted. (Amended during 10/99 supplement; Ord. 98-1497 § 1, 1999; Ord. 95-1329 § 2 (part), 1995; Ord. 94-1237 § 1, 1994; § 3 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 3 (part), 1990; prior code § 27-1-70)

12.68.190 Driving under the influence of intoxicating liquor or drugs.

See state statute. (Prior code § 27-1-72)

12.68.200 Attempting to elude police officers.

Any driver of a motor vehicle who wilfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty of a misdemeanor. The signal given by the police officer may be by hand, voice, emergency light or siren. (Prior code § 27-1-87)

12.68.210 Use of mobile telephones while operating a school bus or other vehicle transporting children.

No person shall use a mobile telephone while operating a moving school bus or other bus or van transporting children with a seating capacity of fifteen or more persons, except in the case of an emergency. For purposes of this section, an “emergency” shall mean that the operator of the bus or van needs to communicate with another to report that the vehicle is disabled, that medical attention or assistance is required for a passenger on the bus or van, that police intervention is necessary for the personal safety of a passenger or to otherwise ensure the safety of the passengers, or to report the presence of a disabled vehicle or an accident in the roadway. The foregoing provisions of this section shall not apply to a private individual transporting his/her family. (Ord. BL2004-177 § 1, 2004)

CRUISING ON PUBLIC STREETS

Sections:

12.69.010	Purpose.
12.69.020	Definitions.
12.69.030	Cruising prohibited.
12.69.040	Notice.
12.69.050	Enforcement.
12.69.060	Exceptions.
12.69.070	Penalties.
12.69.080	Severability.

12.69.010 Purpose.

The purpose of this chapter is to reduce traffic congestion and excessive noise and pollution; to ensure passage for emergency vehicles during hours when congestion occurs in certain areas (“no cruising zones”); and, to increase access by members of the general public to such areas, which access is currently restricted due to unnecessary traffic congestion arising from cruising. (Ord. BL 2002-1127 § 1 (part), 2002)

12.69.020 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Congested traffic” means traffic on any public street which is delayed to the point that motor vehicles back up in any direction for more than one block restricting vehicular movement on any public streets, where the delay in forward movement is due to the position of other motor vehicles; or motor vehicles cannot readily move forward on portions of the public street between intersections with other public streets because the average traffic speed has dropped to less than five miles per hour, where the delay in forward movement is due to the position of other motor vehicles.

“Designated street” means any public street or roadway designated a “no cruising area” pursuant to this chapter. Any street or roadway so designated shall be clearly marked with signs advising the public that the street or roadway is subject to such regulation.

“Cruising” means the unnecessary repetitive driving of a motor vehicle on a designated street or roadway past the same traffic control point two or more times in any three hour period during the restricted hours, upon a designated street with posted signs informing the public that the street is subject to regulation under this ordinance and that said regulation is in effect.

“Traffic control point” means a clearly identified reference point on a designated street, as determined and marked by an official traffic control device posted at the direction of the metropolitan traffic and parking commission.

“Restricted hours” means the days and times that cruising is prohibited, specifically between the hours of 9:00 p.m. until 3:00 a.m. each day of the week.

“Restricted area” means those streets or roadways designated by the traffic and parking commission as a “no cruising area” and that are within that area of the metropolitan government bounded on the north by Charlotte Avenue, on the south by Franklin Street, on the west by Eighth Avenue, and on the east by the Cumberland River. (Ord. BL 2002-1127 § 1 (part), 2002)

12.69.030 Cruising prohibited.

No person shall engage in unnecessary repetitive driving, also known as “cruising” as defined herein, while operating a motor vehicle, and no owner of a motor vehicle shall permit another to engage in cruising while operating a motor vehicle under his or her care, custody and control, after notice as described in Section 12.69.040. (Ord. BL 2002-1127 § 1 (part), 2002)

12.69.040 Notice.

Upon observation that a motor vehicle has been operated on a designated and posted street or roadway past the same traffic control point two or more times during the restricted hours, the vehicle shall be stopped after the second or subsequent observation for the purpose of giving notice to the operator and to each passenger in the vehicle. The notice, which may be verbal or in writing, shall inform the operator and passengers that this chapter is in effect, and that subsequent operation of the vehicle past any traffic control point during the restricted hours after the initial observation of the vehicle shall constitute a violation of this chapter. The notice shall include a brief and general description of the designated streets or the area containing the designated streets and a description of the penalty which may be imposed upon conviction. (Ord. BL 2002-1127 § 1 (part), 2002)

12.69.050 Enforcement.

The operation of a motor vehicle past the same traffic control point where a posted official traffic control device prohibits cruising, after issuance of the notice described herein, constitutes a violation of Section 12.69.030. A uniform traffic citation for violation of Section 12.69.030, shall be issued to the actual operator of the motor vehicle at the time the offense occurs. It shall be immaterial whether the operator at the time the offense occurs actually

operated the motor vehicle each time it passed the traffic control point. (Ord. BL 2002-1127 § 1 (part), 2002)

12.69.060 Exceptions.

This chapter shall not apply to:

- A. An official public safety or emergency vehicle;
- B. A licensed public transportation vehicle;
- C. A vehicle being used for business purposes;
- D. Any special event as declared by the mayor's office of film and special events;
- E. Residents living within the designated "no cruising area". (Ord. BL 2002-1127 § 1 (part), 2002)

12.69.070 Penalties.

Any person violating the provisions of this chapter shall be subject to a fine of fifty dollars per citation issued. (Ord. BL 2002-1127 § 1 (part), 2002)

12.69.080 Severability.

Should any portion of this chapter be declared to be invalid by any court of competent jurisdiction, such provision shall be severed and shall not affect the validity of the remaining provisions. (Ord. BL 2002-1127 § 1 (part), 2002)

Chapter 12.72

TOW-IN LOTS

Sections:

- 12.72.010 Establishments and use—Police department jurisdiction.**
- 12.72.020 Rules and regulations for operation and collection of storage charges.**
- 12.72.030 Procedures for hauling vehicles to the lot—Reimbursement of costs.**
- 12.72.040 Charges for towing and storage.**
- 12.72.050 Property lease authorization.**
- 12.72.060 Payment of monthly rental.**
- 12.72.070 Accounting for funds and property received.**
- 12.72.080 Stolen motor vehicles—Storage, notice and removal requirements.**

12.72.010 Establishment and use—Police department jurisdiction.

There is established, under the jurisdiction of the police department, a tow-in lot, which is herein defined as a place where motor vehicles which are required to be removed from the streets and other public places of the metropolitan government area because of violations of traffic laws and regulations, penal ordinances of the metropolitan government and laws of the state and the United States, and which come into police custody by reason of such vehicles being stolen, abandoned or an obstruction to traffic, or of which the police department has acquired custody for the protection of motor vehicles and their safekeeping. (Prior code § 27-1-220)

12.72.020 Rules and regulations for operation and collection of storage charges.

The chief of police shall establish, by rules and regulations, the procedures for the operation of the tow-in lot, and fix the methods of collecting storage charges. (Prior code § 27-1-221)

12.72.030 Procedures for hauling vehicles to the lot—Reimbursement of costs.

The chief of police is authorized to establish or to approve the regulations and procedures by which motor vehicles shall be towed to the tow-in lot, and to arrange for the payment of the cost of towing vehicles to the lot in those instances where the towing or hauling to the lot is done on the direction of the police department or any of its police officers acting according to the rules and regulations of the police department. The chief of police shall

establish rules and regulations relating to the reimbursement of the department of police by the owners of the motor vehicles affected for the amount expended in tow-in charges for hauling such vehicles to the lot. (Prior code § 27-1-222)

12.72.040 Charges for towing and storage.

Charges for towing and storage of vehicles shall be made in accordance with Section 6.08.240 of the Metropolitan Code. (Prior code § 27-1-226)

12.72.050 Property lease authorization.

The mayor is authorized to execute the necessary documents to lease property for use as a police tow-in lot. (Prior code § 27-1-223)

12.72.060 Payment of monthly rental.

The monthly rental to be paid shall, for the tow-in lot, be expended from the police department's operating budget. (Prior code § 27-1-224)

12.72.070 Accounting for funds and property received.

The director of finance shall establish, by appropriate accounting procedures, a revolving account for the police tow-in, so that full accountability will be made of all property and money received and expended by the police department in connection with the operation of the police tow-in lot. The director of finance shall approve all rules and regulations of the police department relating to accounting procedures with reference to the operation of the police tow-in lot. (Prior code § 27-1-225)

12.72.080 Stolen motor vehicles—Storage, notice and removal requirements.

A. The chief of police, or his designated representative, shall notify all owners of stolen motor vehicles, upon receipt of such vehicles at the metropolitan tow-in lot. Owners of stolen vehicles shall reclaim their vehicles within twenty-four hours of being notified by the police department, and shall not be charged a storage fee.

B. If the owner fails to reclaim his vehicle and remove same from the tow-in lot within twenty-four hours after being notified, the owner shall be charged the regular storage fee from the time and date of receipt of the automobile at the tow-in lot.

C. The provisions of this section shall apply only to those owners of stolen motor vehicles who have reported their automobile stolen to the metropolitan police department prior to recovery of their motor vehicle by the police department. (Prior code § 27-1-227)

Chapter 12.76
RAILROADS AND GRADE CROSSINGS

Sections:

- 12.76.010** Survey and classification of railroad grade crossings—Rules and regulations for use.
- 12.76.020** Speeds for railroad trains.
- 12.76.030** Flashing signals—Required at grade crossings—Specifications.
- 12.76.040** Flashing signals—Location.
- 12.76.050** Flashing signals—Operation.
- 12.76.060** Flashing signals—Installation and maintenance.
- 12.76.070** Flashing signals—Right to withdraw permission for operation.
- 12.76.080** Gates or flagmen required at crossings when.
- 12.76.090** Vehicles to obey signals indicating approach of trains.
- 12.76.100** Grade crossings where all vehicles must stop.
- 12.76.110** Vehicles which must stop at all grade crossings.
- 12.76.120** Liability limitations concerning signal lights and appurtenances.
- 12.76.130** Bridges and other structures over public ways.
- 12.76.140** Tunnels near or under streets.
- 12.76.150** Loitering around railroad depot, tracks or yard prohibited.
- 12.76.160** Children loitering near railroad tracks—Parent or guardian responsibility.
- 12.76.170** Children loitering near railroad tracks—Arrest authorized when.
- 12.76.010** **Survey and classification of railroad grade crossings—Rules and regulations for use.**
- A. The traffic and parking commission is authorized to survey all railroad grade crossings with public traffic ways within the boundaries of Metropolitan Nashville and Davidson County, Metro Government, for the purpose of classifying these crossings according to their needs for corrective treatment to reduce and/or prevent vehicle-railroad train accidents.
1. The commission shall consider, among other factors, the accident frequency at the crossing, vehicle and train traffic volumes at the crossing, and sight distance for

both the railroad train and vehicle approach to the crossing.

2. The manner in which these factors are established and considered shall be at the discretion of the traffic and parking commission.

B. The commission shall classify all railroad crossings with vehicle traffic ways under the following categories:

1. Requires crossing gate and light and audible signal within six months after reporting date;
2. Requires light and audible signals within six months after reporting date;
3. Requires light and sound signal within twelve months after reporting date;
4. Requires light and sound signals within eighteen months from reporting date;
5. Requires immediate removal of hedges, shrubbery and other sight distance obstructions;
6. Requires immediate application of railroad crossing signs or flagmen;
7. Requires no corrective treatment within eighteen months of reporting date.

C. The commission shall annually file a report with the director of public works and the railroads owning the tracks at each crossing the name, location and classification of each crossing, along with corrective measures; specifications and locations of signals and/or other corrective measures will be included.

1. Nothing herein shall be deemed to preclude the reporting of partial lists.

D. The railroads owning tracks at each railroad grade crossing with vehicle traffic way shall be responsible for the costs of implementation and material acquisition of the corrective measures, including gates, signals, etc., designated by the traffic and parking commission.

E. The traffic and parking commission shall be responsible for the supervision and approval of the installation of all signals and gates.

F. The traffic and parking commission shall notify the railroad of condition changes requiring revisions in the safety devices, including gates and/or signals. The railroads will be given three months, upon notice, to make changes.

G. Specifications for all crossing vehicle traffic-control devices, such as signs, signals, gates, etc., shall be approved by the commission.

H. Should any railroad responsible for the corrective treatment provided herein fail to provide, install and maintain designated control or warning devices, the traffic and parking commission shall close the railroad tracks to trains at the crossing. Should this crossing be ordered opened by the Interstate Commerce Commission or a court of competent jurisdiction, the traffic and parking commission shall

provide emergency controls, by flagmen or otherwise, for which the railroad will be charged one hundred dollars per day as a reasonable cost for providing such emergency warning or control. If more than one railroad owns tracks at the crossing, the assessment will be prorated according to number of tracks owned.

I. In the event corrective measures (signals, gates, shrubbery, etc.) are not completed as required, the traffic and parking commission will contract for and provide required corrective measures. The cost, as determined by the metropolitan government bidding procedures, shall be fully borne by the railroads owning tracks at the grade crossing, and shall constitute a debt to the metropolitan government; prorate responsibility for the cost shall be as set forth in subsection H of this section.

J. In addition to the actions provided in subsections H and I of this section, each railroad shall in no wise affect the liability of the railroad under this regulation.

K. No train of railroad cars, or individual car, shall remain in such a position as to block automobile traffic for more than five minutes. There shall be a minimum period of twenty-five minutes between each such blockage of automobile traffic.

L. It shall not be necessary that the individual operator of a train be served with a warrant. The owner of the railroad or lead engine shall be considered prima facie to be in control of the engine and cars linked thereto.

M. Any ordinance of regulation of the Metropolitan Code in conflict with any provision herein is declared void to the extent it conflicts.

N. Should any provision or section of this regulation be declared unconstitutional or otherwise void, the remaining regulations and provisions or sections shall remain in effect. (Prior code § 27-1-40)

12.76.020 Speeds for railroad trains.

A. Definitions.

1. The United States Federal Railroad Administration has established a railroad track classification system which governs the permissible speeds of railroad trains, as follows:

Track Classification	Maximum Speed for Freight Trains	Maximum Speed for Passenger Trains
Class 1 track	10 m.p.h.	15 m.p.h.
Class 2 track	25 m.p.h.	30 m.p.h.
Class 3 track	40 m.p.h.	60 m.p.h.
Class 4 track	60 m.p.h.	80 m.p.h.

2. "Main line trackage" means all trackage maintained at Class 4 standards or above, serving as main arteries in metropolitan Nashville to and from Memphis, Chicago, Atlanta, Louisville and Birmingham.

3. "Inner city," for the purpose of this section, means that portion of main line trackage located between the west edge of the Clifton Pike grade crossing on the west and the east edge of the Fourth Avenue South grade crossing on the east, and between the east side of the Cumberland River drawbridge on the north and the south edge of the Berry Road grade crossing on the south.

B. Maximum Speeds. Except where otherwise required pursuant to subsection D of this section, the maximum speed of train engines or individual cars shall be as follows:

1. Within the inner city upon main line trackage and upon all yard and industrial trackage, twenty-five miles per hour;

2. Upon the Memphis main line trackage:

a. From the Cheatham/Davidson County line to the west edge of the Sawyer Brown Road overpass, forty-five miles per hour,

b. From the west edge of the Sawyer Brown Road overpass to the inner city, forty miles per hour;

3. Upon the Evansville and Louisville main line trackage:

a. From the Sumner/Davidson County line to the north edge of the Nesbitt Lane grade crossing, forty-five miles per hour,

b. From the north edge of the Nesbitt Lane grade crossing to the inner city, forty miles per hour;

4. Upon the Atlanta main line trackage:

a. From the Rutherford/Davidson County line to the south edge of the Antioch Pike grade crossing, forty-five miles per hour,

b. From the south edge of the Antioch Pike grade crossing to the inner city, forty miles per hour;

5. Upon the Lebanon Branch, beginning at the south edge of the Berry Road grade crossing and traveling north and east to the Wilson/Davidson County line, and upon the Birmingham main line (Class 3 trackage), from the south edge of the Berry Road grade crossing to the Davidson/Williamson County line on the south, thirty-five miles per hour;

6. Upon all other trackage, twenty-five miles per hour.

C. Reclassification. Should any main line trackage within the corporate limit of Metropolitan Davidson County, outside of the inner city area, be given a Federal Railroad Administration classification for speed below any maximum speed limit allowed herein, the railroad owning such trackage shall notify the traffic and parking commis-

sion of such reclassification within thirty days of the reclassification; however, short-term repair reclassifications are exempt from these provisions.

D. Declaration of Speed by Traffic and Parking Commission. Whenever the traffic and parking commission shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe under the conditions found to exist at any grade crossing within the boundaries of Nashville and Davidson County, the commission may determine and declare a reasonable and safe maximum or minimum limit thereof, which speed limit shall be effective upon notice to the affected railroad by registered mail, return receipt requested, to the highest ranking operating officer in Davidson County. Any railroad so affected may request reconsideration by the commission to be made within forty-five days, and the effect of the declared speed limit shall be stayed pending such reconsideration.

E. Violations. It is unlawful for any engine or individual cars to operate upon a grade crossing at a speed in excess of that declared by the commission. (Prior code § 27-1-41)

12.76.030 Flashing signals—Required at grade crossings—Specifications.

There shall be erected at all grade crossings on main lines of railroads over which road trains are operated, except as expressly excepted by ordinance, flashing lights showing a red light and the word “Stop” when a train, engine or cars are approaching. These lights shall be erected on each side of the railroad crossings, and on the right of a person approaching the crossing. The lights shall be affixed to a metal post, at the top of which shall be a warning gong. The gong shall be approximately ten feet above the sidewalk level and the lights shall be approximately eight and one-half feet above the sidewalk level. (Prior code § 35-1-6)

12.76.040 Flashing signals—Location.

The lighting fixtures at each of the grade crossings shall be located not farther than fifteen feet away from the nearest railroad track. However, if, in the opinion of the director of public works and the chief engineer of the railroad affected, a different location or different specifications would more effectively serve the crossing which is to be protected, they shall certify in writing the agreed location and the agreed specifications, and it shall be lawful to erect the lights as designated in the certificate, a copy of which shall be filed with the metropolitan clerk. (Prior code § 35-1-7)

12.76.050 Flashing signals—Operation.

The red lights on flashing warning signals shall flash and the gongs ring continuously for a sufficient time prior to the approach of trains, engines and cars on the railroad tracks to sufficiently warn vehicular and pedestrian traffic on the streets until the trains, engines or cars have entirely occupied the street crossing. (Prior code § 35-1-8)

12.76.060 Flashing signals—Installation and maintenance.

The erection and maintenance of flashing lights and appurtenances shall be without expense to the metropolitan government and under the supervision of the director of public works. (Prior code § 35-1-9)

12.76.070 Flashing signals—Right to withdraw permission for operation.

The metropolitan government reserves the right to withdraw the permission for the operation and maintenance of the flashing lights and signals at any time that the welfare of the metropolitan government may require such action. (Prior code § 35-1-10)

12.76.080 Gates or flagmen required at crossings when.

None of the crossing gates or crossing flagmen now in service shall be withdrawn from any crossings until the flashing lights and signals herein required are installed and in proper working order. (Prior code § 35-1-11)

12.76.090 Vehicles to obey signals indicating approach of trains.

A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical device gives warning of the immediate approach of a railroad train;
2. A crossing gate is lowered, or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
3. A railroad train approaching within approximately one thousand five hundred feet of the highway crossing emits a signal audible from such distance, and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

C. Section 12.84.020 sets out the penalty for violation of subsections A and B of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (62), 1990; prior code § 27-1-186)

12.76.100 Grade crossings where all vehicles must stop.

A. The traffic and parking commission will designate particularly dangerous highway grade crossings of railroads, and will cause to be erected stop signs thereat. When such stop signs are erected, the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall proceed only upon exercising due care.

B. Section 12.84.020 sets out the penalty for violation of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (63), 1990; prior code § 27-1-187)

12.76.110 Vehicles which must stop at all grade crossings.

A. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

B. No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

C. This section shall not apply at street railway grade crossings within a business or residence district.

D. Section 12.84.020 sets out the penalty for violation of subsection A of this section. (§ 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (64), 1990; prior code § 27-1-188)

12.76.120 Liability limitations concerning signal lights and appurtenances.

The railroads shall save the metropolitan government harmless from all claims, suits and actions, or other costs, judgments or loss incident to, growing out of or in any wise connected with the erection, maintenance and operation of the signal lights and appurtenances herein required. (Prior code § 35-1-12)

12.76.130 Bridges and other structures over public ways.

All railroad companies whose roads cross any street or alley by trestle or overhead structure shall put a safe and sufficient bridge over such street or alley, which bridge shall be erected in accordance with reasonable plans and specifications approved by the director of public works; provided, that this section shall not apply to existing structures. (Prior code § 35-1-2)

12.76.140 Tunnels near or under streets.

A. Where the tunnel on the line of any railroad within the metropolitan government area begins or ends at or near the line of any street or alley, it shall be the duty of the railroad company to extend the tunnel to a proper distance beyond the line of the street or alley, and also to keep securely barricaded a space of at least ten feet high above the entrance of the tunnel, and otherwise, if necessary, make provision by the adoption of reasonably prudent precautions for the safety of users of the highway who are exposed to danger when at or near the entrance of any tunnel.

B. When the tunnel runs under any street or alley, it shall be the duty of the railroad company to build the walls firmly and substantially, and to cover over compactly the top of the tunnel so as to prevent the issuance of smoke or cinders through any crevice in the framework or walls, and also to sufficiently barricade in both sides of any embankment connecting with other streets or roads, made necessary in consequence of the situation of the tunnel, and put barricades along the top of the tunnel at all points where the same is dangerously elevated above the level of the adjoining ground. (Prior code § 35-1-1)

12.76.150 Loitering around railroad depot, tracks or yard prohibited.

It is unlawful for any person, without the consent of the owner or other person in charge thereof, to go upon, over, across or through, or to loiter in or around, or otherwise trespass upon any railroad depot, station, switchyard, track or right-of-way or other place where dangerous machinery is usually in operation. This shall not apply to any railroad track at public street crossings, nor to any railroad track on any public street. (Prior code § 35-1-5)

12.76.160 Children loitering near railroad tracks—Parent or guardian responsibility.

It is unlawful for children, without a protector or guardian, to loiter in or about railroad depots, tracks, etc., and it shall be the duty of all parents or guardians of minor children, who have not arrived at the years of discretion, to prevent such children or wards from loitering in or about any railroad depot, etc. (Prior code § 35-1-3)

12.76.170 Children loitering near railroad tracks—Arrest authorized when.

It shall be the duty of all police officers of the metropolitan government, and police and watchmen employed by any of the railroad companies in the metropolitan government area, or any other officers who may be clothed by the metropolitan government with police powers, to immediately arrest and take into custody any child or children found loitering around, in or about any railroad depot, track, etc. (Prior code § 35-1-4)

**Chapter 12.80
FERRIES**

Sections:

12.80.010 User fees for metropolitan government ferries.

12.80.020 Regulations filed with department of public works.

12.80.010 User fees for metropolitan government ferries.

A. A user fee of one dollar per vehicle shall be imposed and collected by the metropolitan government for each trip on any ferry owned and/or operated by the metropolitan government; provided, however, that the said ferry shall operate only nine hours per day, Wednesday through Sunday of each week.

B. Provided further, that the department of public works shall report to the council the results of the operation of the Cleece's Ferry with the imposition of such fee with limited hours after three complete months of operation. (Amdt. 2 to Ord. 90-1106, 3/20/90; Amdt. 1 to Ord. 90-1106, 3/20/90; Ord. 90-1106 § 1, 1990)

12.80.020 Regulations filed with department of public works.

The metropolitan clerk is directed to send a copy of the ordinance codified in this chapter to the department of public works. (Ord. 90-1106 § 2, 1990)

**Chapter 12.84
VIOLATIONS—FINE SCHEDULES**

Sections:

12.84.010 Violation—Twenty to thirty-five dollar penalty.

12.84.020 Violation—Twenty-five to fifty dollar penalty.

12.84.030 Violation—Twenty-five to five hundred dollar penalty.

12.84.010 Violation—Twenty to thirty-five dollar penalty.

A. For any person or persons electing to plead guilty and pay a fine for the violation of the following sections or subsections prior to the court date, the fine for the conviction of a first violation of this section or subsection within a twelve-month period shall be twenty dollars, and the fine for the conviction of a second violation within twelve months shall be thirty-five dollars. The fine for the conviction of a third violation shall be set by the court in accordance with Section 1.01.030 of this code:

1. Section 12.08.080, State registration plates—Required—Mounting and maintenance;
2. Section 12.08.090, State registration plates—Unlawful use;
3. Section 12.32.010, (A) through (D), Horns and warning devices;
4. Section 12.32.020, Brake equipment;
5. Section 12.32.030, Lighted lamps and illuminating devices required when;
6. Section 12.32.050, Mufflers—Prevention of noise, fumes and smoke;
7. Section 12.32.060, Mud flaps for heavy vehicles;
8. Section 12.32.070, Red lights—Unauthorized use prohibited;
9. Section 12.32.080, Blue lights—Unauthorized use prohibited;
10. Section 12.64.030(A) and (B), Footrest and handlebar requirements;
11. Section 12.64.040, Equipment required for motorcycle riders.

B. The court may use the aforementioned schedule as a guide in setting fines in accordance with Section 1.01.030 for any person or persons who appear in court to contest any violation of this section or subsection. (Ord. 95-1329 § 2 (part), 1995; § 4 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; § 2 (part), of Amdt. 1 to Ord. 90-1255, 6/19/90; Ord. 90-1255 § 4 (part), 1990)

12.84.020 Violation—Twenty-five to fifty dollar penalty.

A. For any person or persons electing to plead guilty and pay a fine for the violation of the following sections or subsections prior to the court date, the fine for the conviction of a first violation of such section or subsection within a twelve-month period shall be twenty-five dollars, and the fine for the conviction of a second violation within twelve months shall be fifty dollars. The fine for the conviction of a third violation within twelve months shall be set by the court in accordance with Section 1.01.030:

1. 12.12.020(B), Turning markers—Placement authority and driver obedience;
2. 12.12.030(B), Restricted turn signs—Placement authority and driver obedience;
3. 12.12.050, Obedience to traffic-control devices;
4. 12.12.100(A)(1), (A)(2), Flashing control signals;
5. 12.12.120, Lane direction control signals;
6. 12.12.160, Play streets—Driving limitations;
7. 12.16.010(A) and (B), Driving on right side of roadway required—Exceptions;
8. 12.16.020(A) and (B), Overtaking a vehicle on the left;
9. 12.16.030, Passing vehicles proceeding in opposite directions—Narrow roadways;
10. 12.16.040(A) and (B), Passing on right permitted when;
11. 12.16.050, Overtaking on the left;
12. 12.16.060(A), Driving on left side of roadway prohibited—Exceptions;
13. 12.16.070, Driving on divided highways;
14. 12.16.080, Controlled-access roadways—Entrance and exit restrictions;
15. 12.16.090(B), Controlled-access roadways—Use restrictions and traffic-control devices;
16. 12.16.100(A), No-passing zones;
17. 12.16.110(A) through (D), Turning movements and required turning signals;
18. 12.16.120(A) and (B), Turn signal procedures;
19. 12.16.130, Hand and arm signals;
20. 12.16.140(A) through (C), Position of vehicles when turning at intersections;
21. 12.16.150(A), Yield right-of-way—Vehicles at intersections;
22. 12.16.160, Yield right-of-way—Vehicles turning to the left;
23. 12.16.170(A) and (B), Turning to go in opposite direction;
24. 12.16.190, Starting parked vehicles;
25. 12.16.200(A) through (C), Following too closely;
26. 12.16.210, Cutting through private property prohibited;

27. 12.16.220, Driving on streets under construction prohibited;
28. 12.16.230, Driving through safety zones prohibited;
29. 12.20.040(A), Speed limitations for certain vehicles and conditions;
30. 12.20.060, Alleys;
31. 12.24.050, Vehicles emerging from alley, driveway or building;
32. 12.24.060, Obstructing intersections—Entry restrictions;
33. 12.28.030(C), Changes of traffic direction at certain locations or during certain hours—Left-turn lanes;
34. 12.36.010(A), Application of chapter provisions—Exceptions;
35. 12.36.020, Width of vehicles;
36. 12.36.030, Loads projecting from passenger vehicles;
37. 12.32.040, Projecting loads—Lamps or flags required when;
38. 12.36.040(A) and (B), Height and length of vehicles and loads;
39. 12.36.050(A) and (B), Special load limits—Pole trailers and structural materials;
40. 12.36.060(A) and (B), Spilling or dropping of loads—Preventive measures required;
41. 12.36.070, Gross weight per axle of vehicles and loads;
42. 12.36.080(D), Permits for excess size and weight;
43. 12.36.100(B), Heavily traveled streets—Nonmotorized and other vehicle restrictions;
44. 12.36.110, Load restrictions—Schedule X;
45. 12.52.050, Right-of-way on sidewalks;
46. 12.52.060(B), Pedestrians using white canes or sticks;
47. 12.52.070, Blind pedestrians;
48. 12.52.120, Driver responsibilities;
49. 12.64.020(A) through (D), Manner of riding—Restrictions;
50. 12.64.050(A) through (D), Operating procedures on laned roadways;
51. 12.64.060, Clinging to other vehicles;
52. 12.68.010, Drivers in processions;
53. 12.68.020, Funeral procession identification;
54. 12.68.040, Following fire apparatus;
55. 12.68.050, Driving over fire hose;
56. 12.68.060, Causing unnecessary traffic congestion—Regulations in shopping center parking lots;
57. 12.68.070, Opening doors into traffic;
58. 12.68.080, Backing of vehicles—Restrictions;
59. 12.68.090, Coasters, roller skates and other toy vehicles;

60. 12.68.120, Detour signs—Driver obedience required;
61. 12.68.140, Riding on portions of vehicle not intended for passengers;
62. 12.68.160, Boarding or alighting from moving vehicles;
63. 12.76.090(A) and (B), Vehicles to obey signals indicating approach of trains;
64. 12.76.100, Grade crossings where all vehicles must stop;
65. 12.76.110(A), Vehicles which must stop at all grade crossings.

B. The court may use the aforementioned schedule as a guide in setting fines in accordance with Section 1.01.030 for any person or persons who appear in court to contest any violation of the sections or subsections listed in this section. (Ord. 98-1447 § 9, 1999; Ord. 95-1329 §§ 2 (part), 8 (part), 1995; § 1 (part) of Amdt. 2 to Ord. 90-1255, 7/17/90; Ord. 90-1255 § 1 (part), 1990)

12.84.030 Violation—Twenty-five to five hundred dollar penalty.

A. The following violations may carry a penalty not to exceed five hundred dollars:

1. 12.12.090, Signal legend—Colors and other indications;
2. 12.12.110, Traffic lanes;
3. 12.20.010, Reasonable speed under the conditions;
4. 12.20.020, Maximum speed limits;
5. 12.20.030, Special speed zones;
6. 12.20.070, School zone restrictions;
7. 12.24.040, Procedures for vehicles entering stop or yield intersections;
8. 12.68.030, Driving through funeral procession;
9. 12.68.110(A) and (B), Towing of vehicles;
10. 12.68.130, Driving on sidewalks;
11. 12.68.150(A) through (C), Putting glass, nails or other injurious materials on highway—Clearing accident wreckage;
12. 12.68.170, Careless driving;
13. 12.68.180, Reckless driving;
14. 12.68.200, Attempting to elude police officers.

B. For any person or persons electing to plead guilty and pay a fine for the violation of Section 12.20.030, Special speed zones, except for violations for speeding in road or street construction zones, prior to the court date, the fine for conviction of a first violation of such section within a twelve-month period shall be fifty dollars. The fine for the conviction for a second violation within twelve months shall be one hundred twenty-five dollars. (Ord. 98-1447 § 10, 1999; Amdt. 1 to Ord. 96-245, 4/16/96; Ord. 96-245 § 2, 1996; Ord. 95-1329 § 8 (part), 1995)